

Appendix B Final Section 4(f) Evaluation

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MID COUNTY PARKWAY

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3

EA 08-0F3200 (PN 0800000125)

FINAL SECTION 4(f) EVALUATION Submitted Pursuant to 23 USC 138 and 49 USC 303



**Prepared by the
U.S. Department of Transportation
Federal Highway Administration
and the**



**State of California Department of Transportation
and the Riverside County Transportation Commission**

March 2015

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LIST OF ACRONYMS

ac	acre(s)
APE	<u>Area of Potential Effects</u>
BLM	United States Department of the Interior, Bureau of Land Management
Caltrans	California Department of Transportation
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
<u>CDFW</u>	<u>California Department of Fish and Wildlife</u>
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CO	carbon monoxide
<u>CRA</u>	<u>Colorado River Aqueduct</u>
DMP	Discovery and Monitoring Plan
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
<u>ESA</u>	<u>Environmentally Sensitive Area</u>
FHWA	Federal Highway Administration
FOE	Finding of Effect
FR	Federal Register
ft	foot or feet
GIS	geographical information system
HPSR	Historic Property Survey Report
I-15	Interstate 15
I-215	Interstate 215
MCP	Mid County Parkway
<u>Metropolitan</u>	<u>Metropolitan Water District of Southern California</u>
mi	mile(s)
MLD	Most Likely Descendant
MOA	Memorandum of Agreement
MSATs	Mobile Source Air Toxics
MSHCP	Multiple Species Habitat Conservation Plan
NAHC	Native American Heritage Commission

National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NRHP	National Register of Historic Places
PA	Programmatic Agreement
PM	Post Mile
PM _{2.5}	particulate matter less than 2.5 microns in size
PM ₁₀	particulate matter less than 10 microns in size
PQS	Professionally Qualified Standards
PRC	Public Resources Code
RCIP	Riverside County Integrated Project
RCTC	Riverside County Transportation Commission
RDEIR	Recirculated Draft Environmental Impact Report
RTP	Regional Transportation Plan
SCAG	Southern California Association of Governments
SHPO	State Historic Preservation Officer
SJN DV	San Jacinto North Design Variation
SJRB DV	San Jacinto River Bridge Design Variation
SR-60	State Route 60
SR-74	State Route 74
SR-79	State Route 79
SR-91	State Route 91
TCE	temporary construction easement
THPO	Tribal Historic Preservation Officer
<u>TVOL</u>	<u>The Villages of Lakeview</u>
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

1.1 SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code (USC) 303, declares that "...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites."

Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project:

"... requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- There is no prudent and feasible alternative to using that land; and
- The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

Section 4(f) further requires consultation with the United States Department of the Interior and, as appropriate, the United States Departments of Agriculture and Housing and Urban Development in developing transportation projects and programs that use lands protected by Section 4(f). If historic sites are involved, then coordination with the State Historic Preservation Officer is also needed.

Title 49 USC Section 303 and Title 23 USC Section 138, simplified the process and approval of projects that have only de minimis impacts on lands impacted by Section 4(f). Under the new provisions, once the USDOT determines that a transportation use of Section 4(f) property results in a de minimis impact, analysis of avoidance alternatives is not required and the Section 4(f) evaluation process is complete.

1.2 USE OF SECTION 4(f) PROPERTIES

1.2.1 Definitions of Use, Temporary Occupancy, and Constructive Use

As defined in 23 Code of Federal Regulations (CFR) 774.17, there is a use of land from a Section 4(f) property when one of the following occurs:

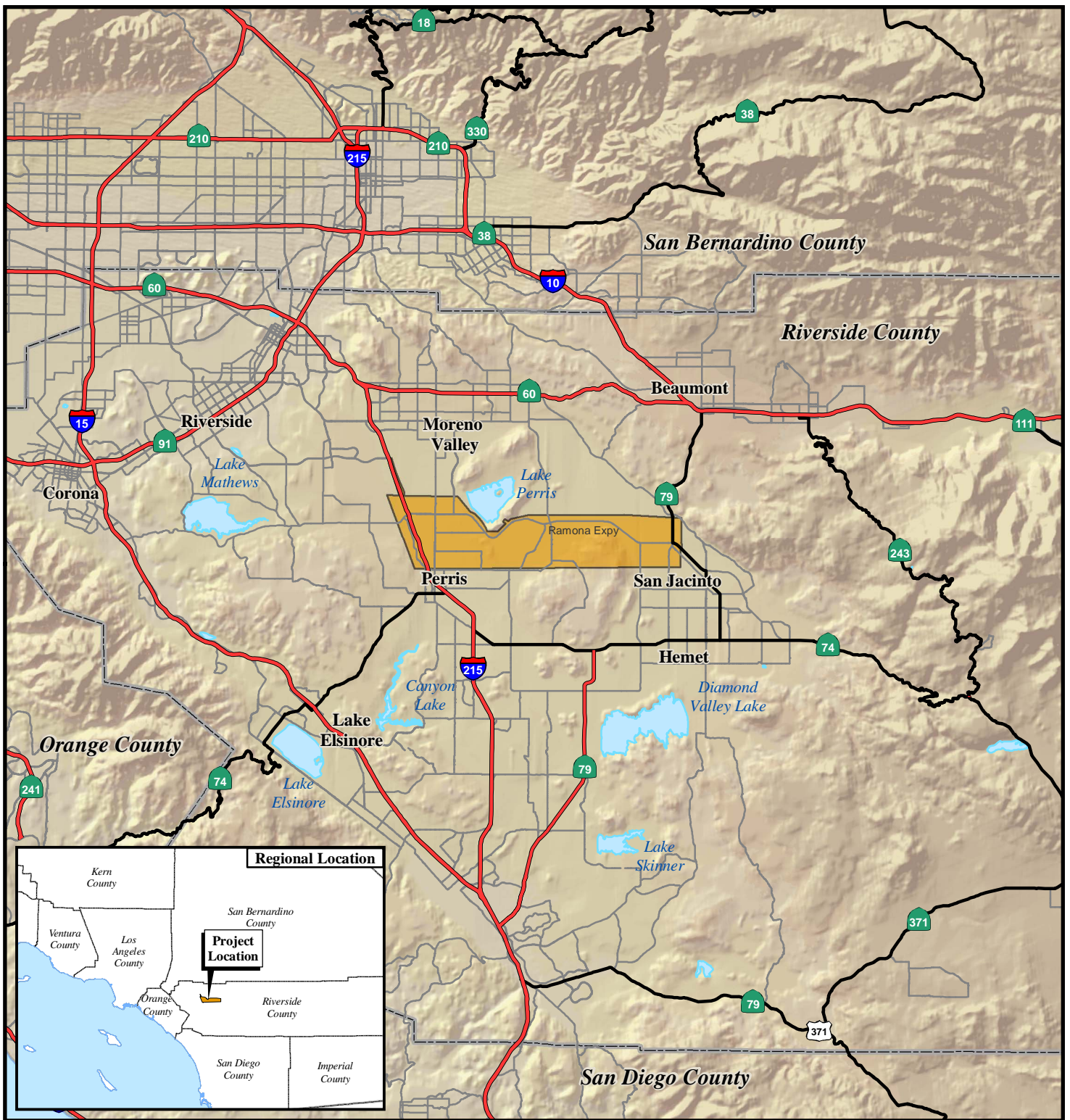
- (1) when land is permanently incorporated into a transportation facility;
- (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in Section 774.13(d). Section 774.13(d)

indicates that temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) are exceptions to the requirement for Section 4(f) approval. Specifically, for the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if each of the following five conditions is met (23 CFR 774.13(d)):

- a. Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land;
 - b. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);
 - c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;
 - d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and
 - e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.
- (3) when there is a constructive use of a Section 4(f) property as determined by the criteria in Section 774.15. Section 774.15(a) indicates a constructive use occurs when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

1.3 PROJECT EFFECTS ON SECTION 4(f) PROPERTIES

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA), California Department of Transportation (Caltrans) District 8, County of Riverside, and the Cities of Perris and San Jacinto, proposes to construct the Mid County Parkway (MCP) project, a new freeway project in Riverside County, California. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway. Figure 1.1 shows the MCP study area and the regional location of the project. The MCP study area is approximately 16 miles (mi) long and ranges from 1 to 5 mi wide. The MCP project will serve as a major east-west connection in western Riverside County and will also provide for regional movement to eastern Riverside County, and to Los Angeles and Orange Counties to the west. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east.



LEGEND

Mid County Parkway Study Area

FIGURE 1.1

Pre-Deliberative Draft
Not for Public Circulation

SOURCE: ESRI (2008); TBM (2010), Jacobs Engineering (02/2011)



0 3.75 7.5 Miles

Project Vicinity and Study Area

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As discussed in detail in this Final Section 4(f) Evaluation, Alternatives 4 Modified, 5 Modified, and 9 Modified would result in effects under Section 4(f) at the following properties:

- **P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site**
 - Permanent use of 2.6 acres (ac) of land on the north side of, and within the boundary of, this National Register of Historic Places (National Register) eligible cultural resources site, or approximately 3.3 percent of the total area of this prehistoric site.
 - There would be no temporary use of land from, and no permanent surface, aerial, or subsurface easements at, this prehistoric site.
- **P-33-19862, P-33-19863, P-33-19864, and P-33-19866**
 - Permanent use of the land occupied by these four National Register eligible cultural resources sites
 - There would be no temporary use of land from, and no permanent surface, aerial, or subsurface easements at these prehistoric sites

FHWA determined that Site 33-16598 was eligible for the National Register under Criteria A, C, and D. The State Historic Preservation Officer (SHPO) concurred that Site 33-16598 does meet those National Register criteria in a letter dated September 18, 2012.

Sites 33-19862, 33-19863, 33-19864, and 33-19866 were initially determined not eligible for the National Register. In its September 18, 2012, letter, the SHPO agreed that these cultural resources have limited data potential and archaeological values beyond the data already recorded, but noted that based on comments from the Tribes, these resources individually may not be eligible but may contribute to an as yet to be defined historic district located within the cultural landscape identified by the Tribes. In its letter dated September 18, 2012, the SHPO requested that existing data and information provided by the Tribes be analyzed to determine if a National Register eligible District may exist and if the four sites contribute to the District's significance. As an option, the SHPO suggested that these four sites be assumed eligible for the undertaking and to explore means for taking the effects of the undertaking into account. Based on that correspondence, FHWA has determined that for the MCP project, these four sites are assumed eligible.

Based on the determinations that Site 33-16598 is eligible for the National Register and Sites 33-19862, 33-19863, 33-19864, and 33-19866 are being treated as eligible for the purposes of this undertaking for the National Register, the requirements for protection of these properties under Section 4(f) are triggered. In part, this report evaluates whether there are prudent and feasible alternatives to avoid the impacts of the MCP Build Alternatives described above on these properties.

Properties outside the permanent footprint/right of way of the MCP Build Alternatives but which could meet the criteria for protection under Section 4(f) were evaluated on whether the MCP Build Alternatives would result in constructive use impacts on those properties. Specifically, the detailed analyses documented in the project technical reports and the EIR/EIS did not identify any project impacts that, with mitigation, would be so severe that the activities, features, or attributes that would qualify properties in the project study area for protection under Section 4(f) would be substantially impaired. The indirect impacts of the MCP Build Alternatives in the vicinity of those properties would not meaningfully reduce or remove the values of those resources in terms of their Section 4(f)

significance. As a result, the requirements for protection under Section 4(f) were not triggered at those resources. The FHWA is not required to document each determination that a project would not result in a constructive use of a nearby resource by Section 4(f) property. However, such documentation may be prepared at the discretion of FHWA. That documentation is provided in Attachment A, Resources Evaluated Relative to the Requirements of Section 4(f), which discusses those properties and the analysis supporting the conclusions that the MCP Build Alternatives would not result in constructive use effects at those resources that would trigger the requirement for protection of those resources under Section 4(f).

1.4 ORGANIZATION OF THE FINAL SECTION 4(f) EVALUATION

This Final Section 4(f) Evaluation assesses the use of Section 4(f) properties by the MCP project. This evaluation includes:

- **Section 2.0, Description of the Proposed Project:** This section briefly describes the purpose of and need for the project and the No Action/No Build and MCP Build Alternatives.
- **Section 3.0, List and Description of Section 4(f) Properties:** This section describes the Section 4(f) properties considered in this Section 4(f) Evaluation.
- **Section 4.0, Multi-Use Prehistoric Site P-33-16598:** This section describes the use of land in the Multi-Use Prehistoric Site by the MCP Build Alternatives that were considered to avoid the use of land in the Multi-Use Prehistoric Site by the MCP Build Alternatives, and measures and actions incorporated in the MCP Build Alternatives to avoid or reduce the use of land in the Multi-Use Prehistoric Site.
- **Section 5.0, Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866:** This section describes the use of land from these prehistoric sites by the MCP Build Alternatives, alternatives that were considered to avoid the use of land from these prehistoric sites by the MCP Build Alternatives, and measures and actions incorporated in the MCP Build Alternatives to avoid or reduce the use of land from these prehistoric sites.
- **Section 6.0, Coordination:** This section discusses coordination conducted with the Native American Tribes regarding the use of land in the Multi-Use Prehistoric Site and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. This section also describes consultation with the United States Department of the Interior and the State Historic Preservation Officer.
- **Section 7.0, References and Preparers:** This section lists the references used in preparing this Final Section 4(f) Evaluation and the preparers of the Final Section 4(f) Evaluation.
- **Attachment A:** Resources Evaluated Relative to the Requirements of Section 4(f)
- **Attachment B:** Consultation Correspondence
- **Attachment C:** Measures Applicable in the Vicinity of the San Jacinto Wildlife Area

2.0 DESCRIPTION OF THE PROPOSED PROJECT

The MCP project was identified as a key west-east regional transportation corridor as a result of several years of comprehensive land use and transportation planning in Riverside County through the Riverside County Integrated Project (RCIP). Tier 1 analyses and environmental documents were initiated for the two intracounty corridors in fall 2000, including a west-east corridor known as the Hemet to Corona/Lake Elsinore Corridor. The purpose of the Tier 1 efforts was to select preferred alternatives in order to preserve needed right of way. After a Draft Tier 1 Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was completed for the Hemet to Corona/Lake Elsinore Corridor and circulated for public review in 2002 with a suite of 14 “build” alternatives, the RCTC Board accepted a staff recommendation in June 2003 to proceed with the accelerated preparation of a project-level environmental document for a west-east alternative that would generally follow the existing alignment of Cajalco Road and Ramona Expressway, known as the MCP project.

Engineering and environmental studies were initiated in 2004 for the MCP project, a proposed 32 mi facility between Interstate 15 (I-15) and SR-79, and in September 2007 the RCTC Board selected a Locally Preferred Alternative (Alternative 9 Temescal Wash Design Variation) for the MCP project. In October 2008, a Draft EIR/EIS for the MCP project was circulated for a 90-day public review period. During this time, six public meetings/hearings were held and RCTC accepted public comments for the record at all of these meetings, along with comments via the MCP project website and email. Over 3,100 comments were received from 50 public agencies and organizations, 10 large property owners, 240 individuals, and a form letter from over 1,100 individuals nationwide. Two key themes emerged in the public review comments: the cost and timing of available funds for the project and concerns about the impacts to rural communities and existing habitat reserves.

In spring 2009, to address the concerns identified in public comments on the Draft EIR/EIS, RCTC as the lead agency under the California Environmental Quality Act (CEQA), FHWA as the lead agency under the National Environmental Policy Act (NEPA), in cooperation with Caltrans, developed an approach for completing the EIR/EIS process for the project. This approach modified the MCP project limits from 32 mi (I-15 to SR-79) to 16 mi (I-215 to SR-79) in order to focus transportation funding where the need is the greatest, between I-215 and SR-79. On July 8, 2009, the RCTC Board formally took action to focus the MCP project between I-215 and SR-79 and to prepare a Recirculated Draft EIR/Supplemental Draft EIS for the modified project. (The Recirculated Draft EIR/Supplemental Draft EIS was distributed for public review in January 2013.)

2.1 PROJECT LOCATION AND DESCRIPTION

The RCTC, in cooperation with FHWA, Caltrans District 8, the County of Riverside, the City of San Jacinto and the City of Perris, proposes to construct the MCP, a new freeway project in Riverside County, California. The project area is located in western Riverside County, primarily along or parallel to the existing Ramona Expressway. Figure 1.1, provided earlier, depicts the MCP study area and the regional location of the project. The MCP project study area is approximately 16 mi long and ranges from 1 to 5 mi wide.

The MCP project will serve as a major east-west connection within western Riverside County. The proposed action would adopt an MCP project alignment and construct a major, limited-access facility to meet current and projected 2040 travel demand from I-215 on the west to SR-79 on the east.

2.2 PURPOSE AND NEED

The purpose of the proposed action is to provide a transportation facility that would effectively and efficiently accommodate regional west-east movement of people, goods, and services between and through Perris and San Jacinto. More specifically, the selected Alternative would:

- Provide increased capacity to support the forecasted travel demand for the 2040 design year;
- Provide a limited access facility;
- Provide roadway geometrics to meet state highway design standards;
- Accommodate Surface Transportation Assistance Act National Network trucks;¹ and
- Provide a facility that is compatible with a future multimodal transportation system.

The MCP project is located in an area of western Riverside County² that is currently undergoing substantial population and employment growth. According to the 2010 Census, the population in Riverside County is approximately 2.2 million people. The population in Riverside County overall is expected to increase to approximately 3.3 million by 2035, and employment is projected to increase to 1.2 million jobs by 2035.³ In addition, according to the Inland Empire Quarterly Economic Report (January 2012), the Inland Empire, which includes the counties of Riverside and San Bernardino, experienced a 2 percent growth in employment from December 2010 to December 2011 indicating the region's recovery has begun.

The population within western Riverside County is expected to increase by over 1.3 million people between 2010 and 2035, which is an increase of more than 60 percent. Growth in employment is expected to occur at an even higher rate, approximately 80 percent between 2010 and 2035, with an overall doubling of the number of jobs between 2003 and 2035.⁴

2.3 PROJECT ALTERNATIVES

As discussed earlier in this chapter, to address the concerns in response to comments on the Draft EIR/EIS for a 32 mi MCP facility, RCTC, FHWA, and Caltrans developed an approach for

¹ These are larger trucks that are permitted on the federal interstate system and the non-interstate federal-aid primary system as it existed on June 1, 1991.

² Western Riverside County consists of 17 incorporated cities and parts of unincorporated Riverside County and is generally bounded by San Diego County to the south, Orange County to the west, San Bernardino County to the north, and the San Jacinto Mountains to the east.

³ 2012 RTP Integrated Growth Forecast, Southern California Association of Governments. Website: <http://www.scag.ca.gov/forecast/index.htm>.

⁴ 2008 Regional Transportation Plan (RTP) Integrated Growth Forecast, Southern California Association of Governments.

completing the EIR/EIS process for the project that would refine the project purpose statement and project alternatives to focus on the transportation needs from I-215 to SR-79. Therefore, the Build Alternatives analyzed in the 32 mi Draft EIR/EIS for the MCP have been withdrawn in response to these concerns (i.e., Alternatives 4, 5, 6, 7, and 9).

The following are descriptions of the modified project alternatives for the MCP facility between I-215 in the west and SR-79 in the east, including two No Project/No Action Alternatives (Alternatives 1A and 1B) and the three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified). These modified alternatives are evaluated in this technical analysis and provided below, and the alignments of these Build Alternatives are shown on Figure 2.1.

2.3.1 Alternative 1A: No Project/No Action—Existing Ground Conditions

Alternative 1A represents 2040 traffic on the planned street network except for future improvements to Ramona Expressway, which would remain as it exists today. Construction of an MCP project would not be implemented with the No Project/No Action Alternative 1A. The future west-east traffic described in the study area would be served by the existing Ramona Expressway between I-215 and SR-79. This alternative assumes 2040 land use conditions and implementation of planned improvements to the regional and local circulation system, as accounted for in the adopted Riverside County General Plan (2003), RCTC's Measure A program, and other adopted plans and policies.

2.3.2 Alternative 1B: No Project/No Action—General Plan Circulation Element Conditions

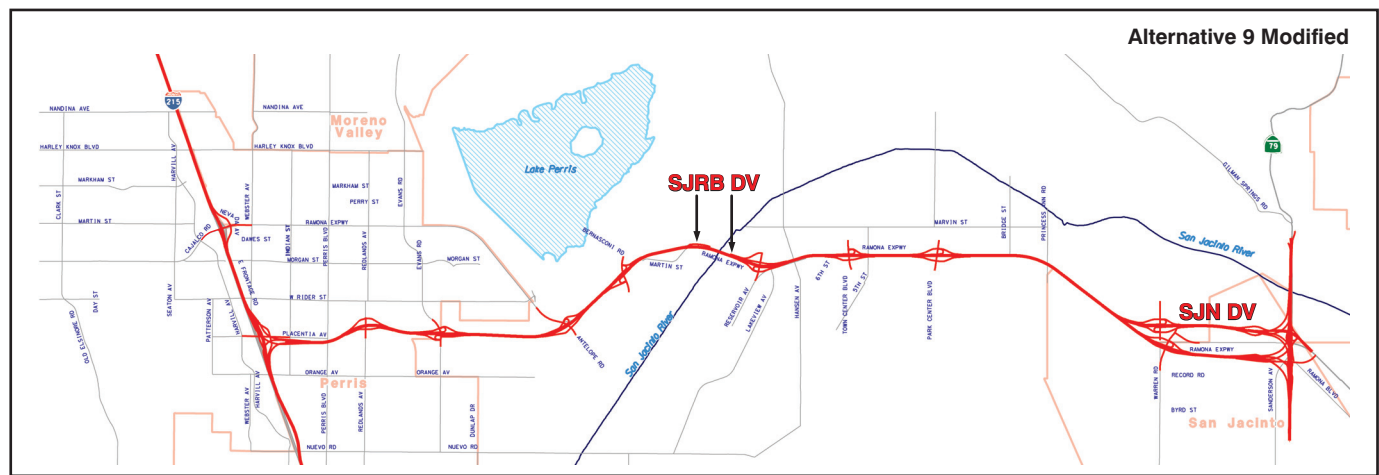
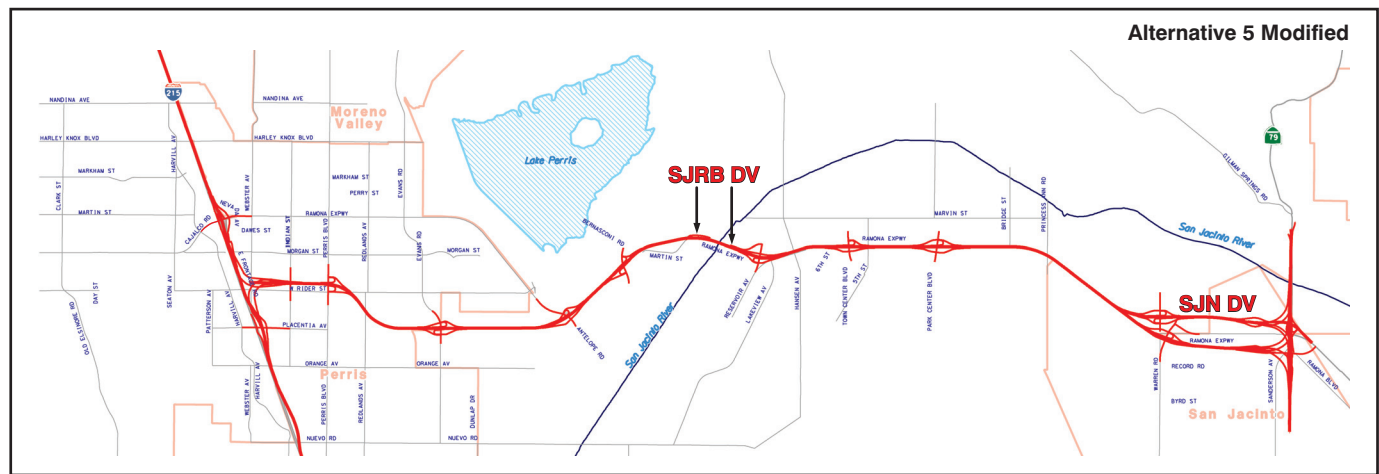
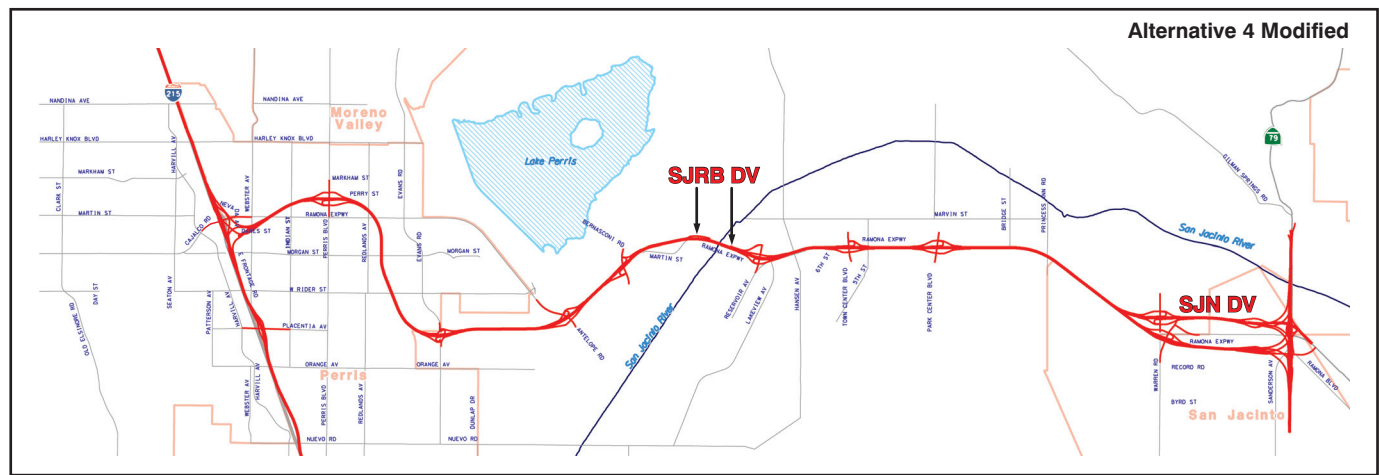
Alternative 1B represents 2040 traffic levels on the planned street network, according to the Circulation Element of the Riverside County General Plan. Construction of an MCP project would not be implemented with No Project/No Action Alternative 1B. This alternative is the same as Alternative 1A but includes implementation of Ramona Expressway consistent with the Riverside County General Plan Circulation Element.

2.3.3 Alternative 4 Modified: North Perris (Drain)

Alternative 4 Modified proposes a six-lane controlled access freeway. Alternative 4 Modified follows a northern alignment through the city of Perris, adjacent to the Perris Drain as shown on Figure 2.1. System interchanges (a freeway-to-freeway type of interchange) are proposed for all Build Alternatives at I-215 and SR-79. Descriptions of these system-to-system interchanges are as follows:

- The MCP/I-215 interchange is proposed as a three-level interchange that would not preclude possible future connections to the west. At the highest point, the MCP/I-215 interchange would be approximately 75 to 100 feet (ft) above ground level.

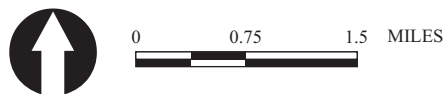
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SJR DV - San Jacinto River Bridge Design Variation
SJR DV - San Jacinto North Design Variation

FIGURE 2

SOURCE: TBM (2006), Jacobs Engineering (11/2010)



MCP Build Alternatives Modified
 08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34/3
 EA 08-0F3200 (PN 0800000125)



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- The MCP/SR-79 interchange is proposed as a three-level interchange at an approximate height of 75 ft. The MCP connection to SR-79 would be made at the proposed realignment of SR-79, south of Ramona Expressway.¹ The MCP provides direct connectors to northbound and southbound SR-79, as well as a six-lane easterly extension that terminates at a proposed signalized intersection at Ramona Expressway. The MCP also has an at-grade intersection with Sanderson Avenue just west of SR-79. The SR-79 Realignment Project is currently undergoing separate environmental review and is assumed to be constructed prior to the MCP project.

Service interchanges (interchanges that connect a freeway to local arterials) for Alternative 4 Modified are proposed at Perris Boulevard, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

All the Build Alternatives, including Alternative 4 Modified, include improvements to I-215. These improvements are: (1) the addition of one auxiliary lane between the MCP/I-215 systems interchange and the adjacent service interchange to the north and south to facilitate movement between the MCP and I-215; (2) the addition of an operational/mixed-flow lane from MCP to the Van Buren Boulevard interchange to accommodate additional traffic on I-215 as a result of the MCP; (3) the addition of an operational/mixed-flow lane from Nuevo Road to Cajalco/Ramona Expressway or Harley Knox Boulevard to facilitate weaving on I-215; (4) the addition of a new interchange at Placentia Avenue; and (5) modification of the existing interchange at Cajalco Road/Ramona Expressway.

Alternative 4 Modified also includes two design variations, San Jacinto North (SJN DV) and the San Jacinto River Bridge (SJRB DV) as discussed in detail in Section 2.3.6, Design Variations.

2.3.4 Alternative 5 Modified: South Perris (at Rider Street)

Similar to Alternative 4 Modified, Alternative 5 Modified is a six-lane controlled-access freeway. However, Alternative 5 Modified follows a southern alignment through Perris along Rider Street as shown on Figure 2.1.

System interchanges proposed for Alternative 5 Modified are the same as for Alternative 4 Modified, with connections at I-215 and SR-79. However, the I-215 system interchange differs from that in Alternative 4 Modified as it connects the MCP to I-215 near Rider Street. As with Alternative 4 Modified, the system interchange at I-215 is proposed as a three-level interchange that would not preclude possible future connections to the west. The interchange would be approximately 75 to 100 ft above ground level. Alternative 5A also includes realignment of I-215 to the east, due to limited right of way on the west side from Ramona Expressway to Harley Knox Boulevard.

Locations of the service interchanges proposed for Alternative 5 Modified are the same as those in Alternative 4 Modified: Perris Boulevard, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with

¹ SR-79 is proposed to be realigned as a four-lane limited access expressway on a new alignment from south of Domenigoni Parkway to north of Gilman Springs Road and is currently undergoing separate environmental review.

future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

Alternative 5 Modified also includes the same improvements to I-215 as described above for Alternative 4 Modified. Alternative 5 Modified also includes the same design variations as Alternative 4 Modified, which are discussed in detail in Section 2.3.6, Design Variations.

2.3.5 Alternative 9 Modified: Placentia Avenue

Similar to Alternatives 4 Modified and 5 Modified, Alternative 9 Modified is a six-lane controlled-access freeway. However, Alternative 9 Modified follows a more southerly alignment through the city of Perris along Placentia Avenue as shown on Figure 2.1.

System interchanges are proposed for all Build Alternatives, including Alternative 9 Modified, at I-215 and SR-79. The system interchange at SR-79 is the same as those proposed for Alternatives 4 Modified and 5 Modified. However, the I-215 system interchange differs from those in Alternatives 4 Modified and 5 Modified as it connects the MCP to I-215 near Placentia Avenue. As with Alternatives 4 Modified and 5 Modified, the system interchange at I-215 is proposed as a three-level interchange that would not preclude possible future connections to the west. The interchange would be approximately 75 to 100 ft above ground level. The existing railroad tracks west of I-215 are proposed to remain in place.

Service interchanges are also proposed for Alternative 9 Modified at the following locations: Redlands Avenue, Evans Road, Ramona Expressway/Antelope Road, Bernasconi Road, Reservoir Avenue, Town Center Boulevard (proposed new arterial associated with future proposed development), Park Center Boulevard (proposed new arterial associated with future proposed development), and Warren Road.

Alternative 9 Modified also includes the same improvements to I-215 as described above for Alternative 4 Modified. In addition, Alternative 9 Modified has been designed to avoid Paragon Park and Fire Station No. 90, both of which would have been impacted by the original alignment of Alternative 9.

Alternative 9 Modified includes the same design variations as Alternatives 4 Modified and 5 Modified, which are discussed in detail in Section 2.3.6, Design Variations.

2.3.6 Design Variations

The following design variations apply to all the build alternatives:

- **San Jacinto North Design Variation:** Under SJN DV, the MCP route diverges from the proposed MCP alignment west of Warren Road and follows an alignment easterly that is approximately 1,140 ft north of the existing Ramona Expressway and adjacent to the Colorado Aqueduct. SJN DV would also provide a connection from Warren Road to the existing Ramona Expressway, similar to the base case for Alternatives 4 Modified, 5 Modified, and 9 Modified.

- **San Jacinto River Bridge Design Variation:** Under SJRB DV, the MCP project would construct two bridges in the Lakeview/Nuevo area, a 531 ft bridge spanning Martin Street and a 1,941 ft bridge spanning the San Jacinto River (a total of 2,472 ft of bridge). The base case proposes one 4,321 ft bridge to span the floodplain and Martin Street. SJRB DV applies to all three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified). SJRB DV would also include a total of 1,849 linear ft of fill on either end of the bridges within the same limits as the base case bridge. Similar to the base case, the bridges under this design variation would be located to the south of the existing Ramona Expressway Bridge, which would remain in place and is 255 ft in length.

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3.0 LIST AND DESCRIPTION OF SECTION 4(f) PROPERTIES

3.1 IDENTIFICATION OF SECTION 4(f) PROPERTIES

The area in the project footprint/right of way was used as the study area for the identification of use effects on Section 4(f) properties. The study area for National Register-listed and -eligible historic sites was based on the area of potential effects (APE) as defined in the *Historic Property Survey Report* (HPSR; LSA Associates, Inc. June 2012). To protect the historic sites from unauthorized artifact collecting or other damage, the locations of these sites are not shown in this Final Section 4(f) Evaluation.

The Section 4(f) properties in the MCP study area were identified if they were:

- Existing publicly owned recreation and park resources, including local, regional, and State resources;
- Existing play and sports fields at public schools with public access. Because many public schools and school districts use or allow the use of public school play and sports fields for nonschool activities such as organized youth sports, the play and sports fields areas at public schools with public access were considered in this analysis;
- Publicly owned wildlife and water fowl refuges and conservation areas;
- Existing public bicycle, pedestrian, and equestrian trails; or
- Listed or eligible National Register historic sites.

The first step of the identification process consisted of reviewing various available technical and public documents, including publicly available maps, General Plans, and websites to identify parks, wildlife and waterfowl refuges, play and sports fields at public schools, reserves, trails, and historic sites in the study area that might qualify as Section 4(f) properties requiring evaluation. Those identified resources were then examined to determine whether they triggered the need for consideration under the requirements of Section 4(f). Several cultural resources sites were identified as being within the project footprint/right of way. Those sites are described in detail in Table 3.1.

Other parks, play and sports fields at public schools, wildlife and waterfowl refuges, trails, and historic properties that did not trigger the need for consideration under the requirements of Section 4(f) are described briefly in Attachment A, including discussion regarding why they do not trigger the requirements for protection under Section 4(f).

Table 3.1: Section 4(f) Properties and the MCP Build Alternatives Along Which They Are Located

Name and Address	Owner/Operator	Description	Alternatives Along Which the Section 4(f) Property is Located
National Register of Historic Places Eligible Resources			
P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site	Private Owner	<p>This is a large Multi-Use Prehistoric Site (78.5 ac) with rock shelters, rock art panels, milling features, midden deposits, and other surface and subsurface artifacts. There are no known conditions or clauses affecting the ownership of this historic site. Site 33-16598 contains areas of habitation with deeply buried dense midden, milling areas with both bedrock mortars and slicks, and ceremonial areas with rock art. This site has been determined to be eligible for listing in the National Register of Historic Places <u>under Criteria A, C, and D.</u></p> <p>The Native American tribes and communities indicated during the consultation for the project that the Multi-Use Prehistoric Site as a whole is important and significant.</p>	Alternatives 4 Modified, 5 Modified, and 9 Modified
P-33-19862 (CA-RIV-10108)	Private Owner	This is a milling station site that measures 246 ft by 240 ft. It has two loci which contain 10 milling slicks on granitic boulder outcrops. The site appears relatively undisturbed. It is in an area of decomposing granitic sediment with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible <u>for this undertaking.</u>	Alternatives 4 Modified, 5 Modified, and 9 Modified
P-33-19863 (CA-RIV-10109)	Private Owner	This is a small milling station that measures 23 ft by 20 ft. It contains one milling slick on a granitic boulder. The disturbance to the site appears negligible. It is in an area of decomposing granite sediment with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible <u>for this undertaking.</u>	Alternatives 4 Modified, 5 Modified, and 9 Modified
P-33-19864 (CA-RIV-10110)	Private Owner	This is a milling station that measures 26 ft by 52 ft. It contains five milling slicks on one large granitic outcrop. This area is disturbed by several dirt roads. The site is an area of decomposing granitic material with scattered sage scrub. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible <u>for this undertaking.</u>	Alternatives 4 Modified, 5 Modified, and 9 Modified
P-33-19866 (CA-RIV-10112)	Private Owner	This site is a milling station measuring 23 ft by 49 ft. It contains three milling slicks on two granitic boulder outcrops. The site was disturbed during the construction of Bernasconi Road. No surface artifacts were found at this site, and STPs were negative for subsurface cultural material. Based on comments received during Tribal consultation and SHPO review, this site is assumed eligible <u>for this undertaking.</u>	Alternatives 4 Modified, 5 Modified, and 9 Modified

Source: LSA Associates, Inc. (2014).

ac = acre/acres

ft = feet

MCP = Mid County Parkway

STPs = shovel test pits

SHPO = State Historic Preservation Officer

4.0 MULTI-USE PREHISTORIC SITE P-33-16598

4.1 INTRODUCTION

This section discusses the following:

- The potential use and temporary occupancy of the Mid County Parkway (MCP) Build Alternatives at the Multi-Use Prehistoric Site P-33-16598.
- The identification and evaluation of possible feasible and prudent alternatives to the permanent incorporation of land from the Multi-Use Prehistoric Site into the MCP Build Alternatives.
- The development of measures to minimize harm to the Multi-Use Prehistoric Site by the MCP Build Alternatives. Those measures are documented in detail in Appendix U, Memorandum of Agreement between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project Riverside, California (MOA), in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Key provisions of the MOA are discussed in this section.

The analysis and evaluation in this section focus on the project effects at the Multi-Use Prehistoric Site. The location of the Multi-Use Prehistoric Site and the avoidance alternatives in the vicinity of this prehistoric site are not shown in this Final Section 4(f) Evaluation to protect that prehistoric site from unauthorized artifact collecting, vandalism, and other disturbances. This prehistoric site in the project footprint/right of way is designated as P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site.

This Section 4(f) property was evaluated to assess the amount of land that would be used from that resource by the MCP Build Alternatives (permanently incorporated in the MCP Build Alternatives). This was evaluated based on overlaying the alternative footprints/right-of-way limits on the geographical information system (GIS) mapping of the boundary of the Multi-Use Prehistoric Site, and the total area anticipated to be used by each alternative at that resource was calculated.

The project footprint/right of way was defined to include the permanent right of way needed for each MCP Build Alternative and the areas anticipated to be disturbed during construction of those alternatives. As a result, the project footprint/right of way includes all the land that will be permanently incorporated into the transportation facility. No temporary construction easements (TCEs) or other temporary uses of land outside the defined footprint/right of way are anticipated at the Multi-Use Prehistoric Site. As a result, no temporary occupancy for temporary construction staging areas or TCEs will occur at that resource. Therefore, no evaluation of temporary use of land from this Section 4(f) property was required.

The MCP Build Alternatives will not include any permanent surface, subsurface, or aerial easements at the Multi-Use Prehistoric Site. Therefore, no evaluation of permanent easements at this Section 4(f) property was required.

4.2 USE OF THE MULTI-USE PREHISTORIC SITE

Neither of the MCP design variations described in Chapter 2.0 is adjacent to the Multi-Use Prehistoric Site P-33-16598 (CA-RIV-8712). As a result, discussions of and citations to Alternatives 4 Modified, 5 Modified, and/or 9 Modified or to the MCP Build Alternatives regarding use effects at the Multi-Use Prehistoric Site under Section 4(f) should be interpreted to mean any of those alternatives with the Base Case and/or either or both of the design variations.

4.2.1 Use of the Multi-Use Prehistoric Site under Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

Alternatives 1A and 1 B do not propose the construction and operation of any MCP project improvements. Therefore, Alternatives 1A and 1B would not use any land from the Multi-Use Prehistoric Site as a result of any MCP project improvements. It is possible that improvements in No Build Alternative 1B could result in effects on the Multi-Use Prehistoric Site (P-33-16598). No funding or schedule for making these future improvements has been established at this time. If federal transportation funds are used for these future improvements, then they would be subject to review under the requirements of Section 4(f).

4.2.2 Use of the Multi-Use Prehistoric Site under the Build Alternatives

Table 4.1 indicates the amount of land that would be used from the Multi-Use Prehistoric Site under Alternatives 4 Modified, 5 Modified, and 9 Modified. As noted earlier, the location of the prehistoric site, its relationship to the footprints/rights of way for the MCP Build Alternatives, and the use of land from that site under the Build Alternatives are not provided on a figure in this report in order to protect the site from unauthorized artifact collection or other possible damage. As shown in Table 4.1, each Build Alternative would result in the use of 2.6 acres (ac) or approximately 3.3 percent of the total 78.5 ac site. The entire site is considered eligible for the National Register of Historic Places (National Register).

Table 4.1: Use of the Multi-Use Prehistoric Site by the Build Alternatives

Section 4(f) Property	Amount of Land Used from the Multi-Use Prehistoric Site under the Build Alternatives
P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site	Each Build Alternative would use 2.6 ac from this 78.5 ac prehistoric site. This represents approximately 3.3 percent of the total area of this prehistoric site.

Source: LSA Associates, Inc. (2012).

ac = acres

In the Finding of Effect (November 2012), the Federal Highway Administration (FHWA) determined that the MCP Build Alternatives would result in a Finding of Adverse Effect on this site under Section 106 of the National Historic Preservation Act (36 CFR 800). The Finding of Adverse Effect

was made by FHWA because the culturally affiliated Native American Tribes indicated during consultation that the Multi-Use Prehistoric Site as a whole is important and significant. The State Historic Preservation Officer (SHPO) concurred with the Finding of Adverse Effect on January 8, 2013. As a result, the MCP Build Alternatives were not determined to result in a de minimis impact on the Multi-Use Prehistoric Site and, as described later in this section, avoidance alternatives to avoid use of this site were evaluated.

As noted earlier, there would be no TCEs, other temporary uses, or permanent easements outside the right-of-way limits for the Build Alternatives, including in the area of the Multi-Use Prehistoric Site. Therefore, no analysis of effects of temporary uses or permanent easements at the Multi-Use Prehistoric Site is necessary.

4.3 TEST FOR FEASIBLE AND PRUDENT AVOIDANCE ALTERNATIVES

As discussed earlier in this section, the three MCP Build Alternatives would each use land from the Multi-Use Prehistoric Site. Avoidance alternatives were developed for the use of land from that Section 4(f) property. Those avoidance alternatives were then evaluated to determine whether they were feasible and prudent.

The FHWA Section 4(f) regulations, codified at 23 CFR Part 774, define “feasible and prudent avoidance alternative” as follows:

- (1) A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.
- (2) An alternative is not feasible if it cannot be built as a matter of sound engineering judgment.
- (3) An alternative is not prudent if:
 - (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
 - (ii) It results in unacceptable safety or operational problems;
 - (iii) After reasonable mitigation, it still causes:
 - (A) Severe social, economic, or environmental impacts;
 - (B) Severe disruption to established communities;
 - (C) Severe disproportionate impacts to minority or low income populations;
or
 - (D) Severe impacts to environmental resources protected under other Federal statutes;
 - (iv) It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;

- (v) It causes other unique problems or unusual factors; or
- (vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

All the MCP Build Alternatives have a common alignment in the vicinity of the Multi-Use Prehistoric Site, which uses the alignment of the existing Ramona Expressway in that area. Specifically, the existing approximately 142-foot (ft) wide right of way for the four-lane Ramona Expressway would be widened to an approximately 220 ft wide right of way for the six-lane MCP. The MCP would replace the segment of the Ramona Expressway in this area. All the MCP Build Alternatives would impact the same approximately 2.6 ac in northernmost part of the Multi-Use Prehistoric Site. Those same 2.6 ac are also within the area in the Multi-Use Prehistoric Site impacted by the proposed The Villages of Lakeview (TVOL) Specific Plan.

The MCP Build Alternatives are aligned generally along the northern edge of the Multi-Use Prehistoric Site. That site borders approximately 2,200 ft along the southern edge of the existing Ramona Expressway and the proposed MCP project alignment. The Multi-Use Prehistoric Site extends approximately 0.5 mi south of the Ramona Expressway.

Several avoidance alternatives were developed and evaluated to assess whether they met the defined project purposes. Table 4.2 lists the project purposes and summarizes whether each avoidance alternative meets those defined purposes.

The avoidance alternatives were also evaluated regarding whether they meet the criteria in 23 CFR 774.17 for assessing if an alternative is feasible and prudent. Table 4.4, provided later in this section, lists those criteria and summarizes the ability of the avoidance alternatives to meet those criteria.

The avoidance alternatives were also evaluated to assess whether they would impact other Section 4(f) properties while avoiding impacts to the Multi-Use Prehistoric Site.

4.4 THE VILLAGES OF LAKEVIEW SPECIFIC PLAN

The Villages of Lakeview (TVOL) Specific Plan is the plan for an approximately 2,800 ac mixed-use development that was approved by the County of Riverside in February 2010 for an area generally west, north, and east of, and encompassing part of, the Multi-Use Prehistoric Site. The TVOL project site is south of and immediately adjacent to the alignments of the Ramona Expressway and the proposed MCP project. TVOL is described here because the boundary of the Specific Plan area overlays part of the Multi-Use Prehistoric Site, including the part of the site that would be impacted by the MCP project.

The TVOL Specific Plan proposed residential, commercial, retail, office, institutional (schools, parks, public, and civic facilities), and open space uses; and mixed use, trails, and infrastructure (roads). Approximately 1,000 ac were proposed to remain permanently in open space; that 1,000 ac includes approximately 47 ac within the boundary of the Multi-Use Prehistoric Site. The EIR for TVOL Specific Plan was certified by the County of Riverside in March 2010. On May 23, 2012, the

Table 4.2: Ability of the Alternatives that Avoid the Multi-Use Site to Meet the Defined Project Purpose

Avoidance Alternative	Does Avoidance Alternative Meet the Defined Project Purpose?				
	Provide Increased Capacity to Support the Forecasted Travel Demand for the 2040 Design Year	Provide a Limited Access Facility	Provide Roadway Geometrics to meet State Highway Design Standards	Accommodate Surface Transportation Assistance Act National Network Trucks	Provide a Facility that is Compatible with a Future Multimodal Transportation System
Alternatives 1A and 1B: No Project/ No Action	No	No	No	No	No
Avoidance Alternative 1: Minor Realignment to the North	Yes	Yes	Yes	Yes	Yes
Avoidance Alternative 2: Substantial Realignment to the North	No	Yes	Yes	Yes	Yes
Avoidance Alternative 3, Option A: Minor Realignment to the South	Yes	Yes	Yes	Yes	Yes
Avoidance Alternative 3, Option B: Minor Realignment to the South	Yes	Yes	Yes	Yes	Yes
Avoidance Alternative 4: Substantial Realignment to the South	No	Yes	Yes	Yes	Yes

Source: LSA Associates, Inc. (2012).

approval of the Final EIR for TVOL Specific Plan was set aside by Riverside County Superior Court Judge Sharon Waters, who found that EIR did not adequately address regional traffic, air quality, greenhouse gas emissions, and habitat impacts.

As discussed earlier in Section 3.0, List and Description of Section 4(f) Properties, the Multi-Use Prehistoric Site covers 78.5 ac. TVOL Specific Plan designates approximately 47 ac within the boundary of the Multi-Use Prehistoric Site as permanent open space. That area contains the rock art and the highest surface-artifact density part of the Multi-Use Prehistoric Site. Construction of the Colorado River Aqueduct and the Inland Valley Feeder destroyed approximately 12.5 ac (16 percent) of the Multi-Use Prehistoric Site. The remaining 19 ac of the Multi-Use Prehistoric Site would be subject to direct impacts from grading for TVOL. Although the approval of TVOL Specific Plan was set aside by the courts, other land use proposals in that area in the future such as a revised land use plan for TVOL could potentially impact the Multi-Use Prehistoric Site similar to the effects of TVOL Specific Plan. As a result, although the approval of TVOL Specific Plan was set aside, because similar impacts on the Multi-Use Prehistoric Site could occur in the future, descriptions of those types of impacts based on the original TVOL Specific Plan are included in this discussion.

4.5 AVOIDANCE ALTERNATIVES FOR THE USE IMPACTS OF THE MCP BUILD ALTERNATIVES AT THE MULTI-USE PREHISTORIC SITE

4.5.1 No Project/No Build Alternatives

Alternatives 1A No Project/No Build and 1B No Project/No Build would avoid the use of any land in the Multi-Use Prehistoric Site and, therefore, were evaluated as possible avoidance alternatives.

Alternatives 1A No Project/No Build and 1B No Project/No Build are feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. However, as shown in Table 4.2, those alternatives would not meet the defined project purpose because they would not provide capacity for 2040 traffic demand, and would not provide a facility that meets State highway design standards, accommodates the Surface Transportation Assistance Act network, or is compatible with a future multimodal transportation system. Because Alternatives 1A and 1B would not meet the defined project purpose, they would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose. As described earlier in Section 4.3, an alternative is not prudent if it meets at least one of the criteria listed in 23 CFR 774.17. Because the No Project/No Build Alternatives would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need (one of the criteria at 23 CFR 774.17), no further analysis of criteria to assess whether those alternatives are prudent was conducted. Therefore, FHWA has concluded that Alternatives 1A No Project/No Build and 1B No Project/No Build would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site.

4.5.2 Build Alternatives to Avoid Use of the Multi-Use Prehistoric Site

The following build alternatives that would avoid the use of land from the Multi-Use Prehistoric Site were identified and evaluated to assess whether they are feasible and prudent alternatives to the proposed MCP project:

- Avoidance Alternative 1: Minor realignment to the north
- Avoidance Alternative 2: Substantial realignment to the north
- Avoidance Alternative 3: Minor realignments to the south (Options A and B)
- Avoidance Alternative 4: Substantial realignment to the south

The evaluation of these avoidance alternatives is provided in the following sections. Maps provided in this section do not show the boundary of the Multi-Use Prehistoric Site to protect that site from unauthorized artifact collecting and other vandalism.

All four of these avoidance alternatives were determined to be feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. As described below, Avoidance Alternatives 2 and 4 would not meet the defined project purpose and would compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need. As a result, further analysis of those alternatives was not conducted. Avoidance Alternatives 1 and 3 (with Options A and B) were determined to meet the project purpose such that the project would not be compromised in terms of its stated purpose and need. More detailed analysis of Avoidance Alternatives 1 and 3 (with Options A and B) is provided later in this section.

Avoidance Alternative 2: Substantial Realignment to the North. Avoidance Alternative 2 would avoid impacts to the Multi-Use Prehistoric Site by substantially realigning the MCP Build Alternatives to the north generally along the alignments of existing roads. Specifically, Avoidance Alternative 2 would shift the alignment of the MCP Build Alternatives well to the north, generally along State Route 79 (SR-79) and State Route 60 (SR-60), to avoid impacts to the Multi-Use Prehistoric Site as well as the San Jacinto Wildlife Area and the Lake Perris State Recreation Area, which is just west of the San Jacinto Wildlife Area. Avoidance Alternative 2 would be approximately 21.5 mile (mi) long, consisting of an approximately 10 mi long segment on SR-60 and an approximately 11.5 mi long segment on SR-79. Avoidance Alternative 2 would not provide increased capacity in an east-west corridor between SR-79 and Interstate 215 (I-215) to support the forecasted travel demand in a corridor between those two freeways for the 2040 design year. Although it is feasible and meets some of the project purposes as shown in Table 4.2, Avoidance Alternative 2 would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need and, therefore, would not be a prudent alternative to the proposed project. Therefore, no further analysis of criteria to assess whether Avoidance Alternative 2 is prudent was conducted. As a result, although this avoidance alternative is feasible in that it could be constructed, FHWA has made a determination that Avoidance Alternative 2 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

Avoidance Alternative 4: Substantial Realignment to the South. Avoidance Alternative 4 would avoid impacts to the Multi-Use Prehistoric Site by substantially realigning the MCP Build Alternatives to the south, generally along the alignments of existing roads. Specifically, Avoidance Alternative 4 would shift the alignment of the MCP Build Alternatives well to the south, generally along SR-79 and State Route 74 (SR-74), to avoid impacts to the Multi-Use Prehistoric Site. Avoidance Alternative 4 would not meet the project purpose to provide increased capacity to support

the forecasted east-west travel demand for the 2040 design year in the project area. Specifically, Avoidance Alternative 4 would not provide a direct connection between Perris and San Jacinto because the western terminus at I-215 would require travelers to travel north on I-215 to access Perris, and the eastern terminus at SR-79 would require travelers to travel north on SR-79 to access San Jacinto. This would be a much more circuitous travel route and would not directly serve the residential and employment land uses that would be served by the MCP project. Although it is feasible and meets some of the project purposes as shown in Table 4.2, Avoidance Alternative 4 would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose and need and, therefore, would not be a prudent alternative to the proposed project. Therefore, no further analysis of criteria to assess whether Avoidance Alternative 4 is prudent was conducted. As a result, although this avoidance alternative is feasible in that it could be constructed, FHWA has made a determination that Avoidance Alternative 4 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

Avoidance Alternative 1: Minor Realignment to the North. Avoidance Alternative 1 to avoid the Multi-Use Prehistoric Site would shift an approximately 2.5 mi long segment of the alignment of the Build Alternatives north a minimum of approximately 100 ft to avoid impacting the northernmost boundary of the Multi-Use Prehistoric Site. No detailed map showing this alignment and the boundary of the Multi-Use Prehistoric Site is provided in this report to protect that site from unauthorized artifact collecting, other disturbance, or vandalism. As shown in Table 4.2, Avoidance Alternative 1 would meet the project purposes. However, Avoidance Alternative 1 would result in environmental impacts greater than the Build Alternatives as shown in Table 4.3 and as discussed below:

- The realigned segment of the MCP Build Alternatives in Avoidance Alternative 1 would not use an approximately 1.0 mi long segment of the existing Ramona Expressway right of way which would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.
- Avoidance Alternative 1 would require more right of way outside the existing right of way for the Ramona Expressway, at approximately 157 ac, than the Build Alternatives at approximately 90 ac as shown in Table 4.3, and, as a result, would affect more non-transportation land uses than the Build Alternatives.
- The acquisition of the additional right of way would increase the property acquisition costs for the project by an estimated \$71.5 million, an increase of 33 to 39 percent in the total project right of way costs, depending on the MCP Build Alternative.
- Avoidance Alternative 1 would result in the use of substantially more land currently used for agriculture than the Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would result in the use of substantially more land designated as Agriculture in the Riverside County General Plan than the Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would result in the use of substantially more designated Farmlands (Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance) and land under Williamson Act contracts than the Build Alternatives as shown in Table 4.3.

Table 4.3: Impacts of Avoidance Alternative 1

Type of Impact	MCP Build Alternatives	Avoidance Alternative 1: Minor Realignment to the North
Total right of way needed for the realigned segment (including, as appropriate, segments of the existing Ramona Expressway right of way)	132.8 ac	184.2 ac
<u>Total right of way needed outside the Ramona Expressway right of way for the realigned segment (excludes existing Ramona Expressway right of way that would be used for the facility)</u>	<u>89.9 acres</u>	<u>156.5 acres</u>
Effects on Existing Land Uses (excluding the existing Ramona Expressway right of way)		
Agriculture	89.5 ac	154.8 ac
Commercial	0.3	0.1
Residential	0.4	2.1
Total Existing Land Uses	90.2	157.0
Effects on General Plan Designated Land Uses (excluding the existing Ramona Expressway right of way)		
Agriculture (AG)	76.9 ac	155.4 ac
Commercial Retail (CR)	0.2	0.02
General Industrial (LI)	0.6	0.6
Very Low Density Residential - Rural Community (VLDR-RC)	12.2	0.5
Total	89.9	156.5
Effects on Western Riverside County MSHCP Criteria Areas		
Criteria Areas	51.0 ac	91.2 ac
Effects on Designated Farmlands		
Prime Farmland	34.8 ac	42.0 ac
Farmland of Statewide Importance	46.0	91.6
Farmland of Local Importance	6.6	19.5
Farmland under Williamson Act contracts	34.3	110.2

Source: LSA Associates, Inc. (2013).

ac = acres

MCP = Mid County Parkway

MSHCP = Multi-Species Habitat Conservation Plan

- Avoidance Alternative 1 would impact one California Department of Fish and Wildlife jurisdictional water not impacted by the Build Alternatives.
- Avoidance Alternative 1 would result in the use of more land designated as Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas than the MCP Build Alternatives as shown in Table 4.3.
- Avoidance Alternative 1 would require the full acquisition of property occupied by four dairy operations on the north side of the Ramona Expressway that would not otherwise be impacted by the MCP Build Alternatives and the loss of approximately 90 jobs associated with those dairy operations. Refer to the discussion below for additional details regarding the effects of Avoidance Alternative 1 on these dairy operations.
- The dairy operations are located in unincorporated Riverside County. The Riverside County General Plan designates those properties as well as surrounding properties to the east and west for Agriculture. The permanent use of those properties for transportation and not agricultural uses will permanently reduce the amount of land in this area intended to be used for agricultural purposes in the long term as designated in the General Plan.

- Avoidance Alternative 1 would not impact other prehistoric sites in this part of the study area.

As noted above, Avoidance Alternative 1 would result in the full acquisition of ten parcels currently occupied by dairy operations. The primary issues associated with that effect of Avoidance Alternative 1 are:

- Avoidance Alternative 1 would require the full acquisition of all ten parcels occupied by the four dairy operations because access to the parcels could not be maintained with partial acquisition of the properties.
- The acquisition of the dairy operations would increase right-of-way acquisition costs for the project by an estimated \$71.5 million, an increase of 33 to 39 percent in the total project right-of-way costs, depending on the MCP Build Alternative.
- Relocation would be difficult because dairies are generally not considered desirable land uses in many areas based on the odors associated with dairy operations and the potential risks of soil and groundwater contamination associated with cattle waste products deposited on the ground. Many jurisdictions in southern California no longer allow dairy operations or require substantial measures to avoid or reduce odor and soil/groundwater contamination effects that can make dairy operations financially unattractive or infeasible. In addition, there are often environmental conditions such as limited access to water or high summer temperatures that reduce the attractiveness of areas for dairy operations. For example, the impacted dairy operations likely could not be relocated in Riverside, San Bernardino, or San Diego Counties for several reasons, primarily due to permitting and zoning constraints. They could not be relocated to Bakersfield because that City no longer accepts new dairy farms. The Imperial Valley has a small amount of availability, but is not very conducive to dairy farms relocating from Riverside County due to the slight increase in summer heat, which requires that the dairy operations install misters and other specialized equipment to accommodate the cows during the hot summer months.
- Dairy relocations from the southern California area to areas such as New Mexico and Texas have proven extremely challenging. The process is that the cows have to be loaded onto rail cars for the move with arrangements for them to be unloaded and fed, watered, and milked at least twice per day during the trip to their new home. In addition, because cows are very skittish when travelling, some will die, and many will either stop producing milk and/or have a very diminished production of milk that can last up to a year. Other side effects of moving cattle are pregnancy inability and injury during transport. Once at their final destination, the cows will need 24-hour personal supervision for several weeks as they get settled in their new location. The costs for these activities can be substantial and, because they are fully reimbursable under relocation laws, they can substantially increase the project right-of-way costs. The relocation costs for moving the cows to their new location can also include the costs for the loss of milk production.
- These particular dairy operations are estimated to provide approximately 90 good jobs. Those workers would lose their jobs if the dairies are removed and/or relocated outside the area. The workers would require retraining and could have difficulty finding other jobs in the area. By avoiding those dairies, these existing jobs would remain in Riverside County.

Table 4.4 evaluates the performance of avoidance alternatives based on the following two criteria from 23 CFR Part 774.17:

- The avoidance alternative compromises the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need; refer also to Table 4.2 for evaluation of the ability of the alternatives to meet the defined project purpose.
- The avoidance alternative results in unacceptable safety or operational problems.

As shown in Table 4.4, the three Avoidance Alternatives would meet the project purpose and need and would not result in unacceptable safety or operational problems.

Table 4.4 also evaluates whether, after reasonable mitigation, the avoidance alternatives would still:

- Cause severe social, economic, or environmental impacts;
- Cause severe disruption to established communities;
- Cause severe disproportionate impacts to minority or low-income populations;
- Cause severe impacts to environmental resources protected under other federal statutes; as noted on the table, the other federal statutes considered in this analysis are the Clean Water Act, Endangered Species Act, Farmland Protection Policy Act, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898), Floodplain Management (Executive Order 11988), and Section 106 (cultural resources);
- Result in additional construction, maintenance, or operational costs of an extraordinary magnitude;
- Result in other unique problems or unusual factors;
- Result in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.

As summarized in Table 4.4, Avoidance Alternative 1 is not a prudent alternative to avoid impacts to the Multi-Use Prehistoric Site because it would adversely affect four dairy operations, including the potential loss of approximately 90 jobs from the area; would increase right-of-way acquisition costs by approximately \$71.5 million; would result in greater impacts on existing and General Plan designated land uses not impacted by the MCP Build Alternatives; would result in the permanent removal of designated Farmlands; and would result in greater contributions to cumulative impacts than the Build Alternatives particularly related to effects on land use and farmlands. As a result, FHWA has made a determination that Avoidance Alternative 1 is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

Avoidance Alternative 3, Options A and B: Minor Realignments to the South. A 100 ft shift to the south in the alignment of the MCP Build Alternatives, similar to the northern shift in Avoidance Alternative 1 described above, was not considered because the boundary of the Multi-Use Prehistoric Site extends approximately 0.5 mi south of the Ramona Expressway and, as a result, that minor a realignment of the MCP Build Alternatives to the south would not avoid the use of land from, and could potentially use more land in, the Multi-Use Prehistoric Site.

Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Minor Realignment to the North	Avoidance Alternative 3, Option A: Minor Realignment to the South	Avoidance Alternative 3, Option B: Minor Realignment to the South
Criteria to determine if the avoidance alternative is prudent			
The avoidance alternative compromises the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need; Refer also to Table 4.2 for evaluation of the ability of the alternatives to meet the defined project purpose.	Avoidance Alternative 1 would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need	Avoidance Alternative 3, Option A, would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.	Avoidance Alternative 3, Option B, would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.
The avoidance alternative results in unacceptable safety or operational problems.	Avoidance Alternative 1 can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.	Avoidance Alternative 3, Option A, can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.	Avoidance Alternative 3, Option B, can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.
After reasonable mitigation, the alternative still causes			
This avoidance alternative causes severe social, economic, or environmental impacts after reasonable mitigation.	<p>Avoidance Alternative 1 would result in the acquisition of dairy operations and the loss of the approximately 90 jobs at those dairy operations due to the difficulty in relocating dairy operations in this area. <u>The loss of the dairies and the jobs they provide would be a severe economic impact because it is very unlikely that those jobs could be replaced in the general study area or possibly even anywhere in Riverside County.</u></p> <p>It would also impact General Plan designated Commercial Retail and Agriculture uses. <u>Those impacts could be partially reduced if the affected local jurisdictions modified their General Plans to include the realignment for the MCP facility; those impacts would not be severe after reasonable mitigation. This Avoidance Alternative would impact and designated farmlands not impacted by the MCP Build Alternatives. The impact</u></p>	Based on the alignment through the Lake View Mountains, and the resulting greater right of way and land use impacts, Avoidance Alternative 3, Option A, would result in environmental impacts substantially greater <u>and more severe</u> than the MCP project alignment.	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would result in environmental impacts substantially greater <u>and more severe</u> than the MCP project alignment.

Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Minor Realignment to the North	Avoidance Alternative 3, Option A: Minor Realignment to the South	Avoidance Alternative 3, Option B: Minor Realignment to the South
	<u>related to the loss of designated farmlands cannot be mitigated and would be severe.</u>		
This avoidance alternative causes severe disruption to established communities.	The acquisition of the dairy operations would disrupt existing agricultural uses in this area, including the loss of the approximately 90 jobs associated with the dairies due to the difficulty in relocating dairy operations in this area. <u>The loss of those jobs cannot be mitigated and would represent a severe economic impact in the study area.</u>	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option A, would result in disruption to existing and planned land uses and resulting environmental impacts substantially greater <u>and more severe</u> than the MCP project alignment.	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would result in disruption to existing and planned land uses and resulting environmental impacts substantially greater <u>and more severe</u> than the MCP project alignment.
This avoidance alternative causes severe disproportionate impacts to minority or low-income populations.	The acquisition of four dairy operations would result in the loss of the approximately 90 jobs associated with the dairies that would not be replaced in the area, which would adversely affect those workers. <u>The loss of those jobs cannot be mitigated and would represent a severe economic impact in the study area, potentially including severe impacts on minority or low-income populations.</u>	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option A, would impact minority or low-income populations more than the MCP Build Alternatives.	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would impact minority or low-income populations more than the MCP Build Alternatives.
This avoidance alternative causes severe impacts to environmental resources protected under other Federal statutes. ⁽¹⁾	Avoidance Alternative 1 would result in greater impacts to designated farmlands than the alignments of the MCP Build Alternatives. <u>Those impacts cannot be mitigated and would be severe.</u> This Avoidance Alternative would not result in substantially different or greater impacts to biological and other environmental resources protected under other federal statutes than the alignments of MCP Build Alternatives.	Based on the alignment through the Lake View Mountains, Avoidance Alternative 3, Option A, would result in greater <u>and more severe</u> impacts to biological resources (plant and animals and the habitats in which they occur) in Western Riverside County MSHCP designated Critical Habitats compared to the MCP Build Alternatives	Based on the alignment through the Lake View Mountains, Avoidance Alternative 3, Option B, would result in greater <u>and more severe</u> impacts to biological resources (plant and animals and the habitats in which they occur) in Western Riverside County MSHCP designated Critical Habitats compared to the MCP Build Alternatives.
This avoidance alternative results in additional construction, maintenance, or operational costs of an extraordinary magnitude.	Avoidance Alternative 1 would result in a minimum increase of \$71.5 million in right-of-way acquisition (an increase of approximately 33 to 39 percent, depending	Avoidance Alternative 3, Option A, would result in an increase of approximately \$50 million in construction costs (an increase of	Avoidance Alternative 3, Option B, would result in an increase of approximately \$39 million in construction costs (an increase of

Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Minor Realignment to the North	Avoidance Alternative 3, Option A: Minor Realignment to the South	Avoidance Alternative 3, Option B: Minor Realignment to the South
	on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives. <u>These increases in the project construction cost are considered to be of extraordinary magnitude.</u>	approximately 23 to 26 percent, depending on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives. <u>These increases in the project construction cost are considered to be of extraordinary magnitude.</u>	approximately 18 to 20 percent, depending on the MCP Build Alternative) compared to the alignments of the MCP Build Alternatives. <u>These increases in the project construction cost are considered to be of extraordinary magnitude.</u>
This avoidance alternative results in other unique problems or unusual factors.	Avoidance Alternative 1 would not result in <u>other</u> unique problems or other unusual factors other than the difficulty in relocating the dairy operations.	Avoidance Alternative 3, Option A, would not result in <u>other</u> unique problems or other unusual factors.	Avoidance Alternative 3, Option B, would not result in <u>other</u> unique problems or other unusual factors.
This avoidance alternative results in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.	Avoidance Alternative 1 would result in effects that would contribute to cumulative impacts appreciably different than the impacts that would occur under the alignments of the MCP Build Alternatives particularly related to land use impacts and impacts on designated farmland <u>and</u> agricultural operations. <u>The loss of the dairies and jobs at those dairies are considered unique problems because of the difficulty of relocating dairies. The increase in project construction costs are considered to be of extraordinary magnitude.</u>	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option A, would contribute substantially more to cumulative impacts than the contribution under the alignments of the MCP Build Alternatives particularly related to biological resources. <u>The increase in project construction costs are considered to be of extraordinary magnitude.</u>	Based on the alignment through the Lake View Mountains, and the resulting greater amount of right of way and land use impacts, Avoidance Alternative 3, Option B, would contribute substantially more to cumulative impacts than the contribution under the alignments of the MCP Build Alternatives particularly related to biological resources. <u>The increase in project construction costs are considered to be of extraordinary magnitude.</u>

Table 4.4: Analysis of Feasible Avoidance Alternatives that Meet the Defined Project Purpose

Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Minor Realignment to the North	Avoidance Alternative 3, Option A: Minor Realignment to the South	Avoidance Alternative 3, Option B: Minor Realignment to the South
The avoidance alternative is prudent under the criteria in 23 CFR Part 774.17.	Avoidance Alternative 1 is not a prudent alternative to avoid the use of land in the Multi-Use Prehistoric Site because it would not use an approximately 1.0-mile-long segment of the existing Ramona Expressway, <u>and because it would result in the loss dairies and jobs which would be a severe economic effect and would result in increased project construction costs of an extraordinary magnitude.</u>	Because Avoidance Alternative 3, Option A, would not use an approximately 1.5-mile-long segment of the existing Ramona Expressway, would increase the project costs <u>to an extraordinary magnitude</u> , and would result in greater right of way and land use impacts <u>more severe than the MCP Build Alternative</u> , and contributions to cumulative impacts, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site.	Because Avoidance Alternative 3, Option B, would not use an approximately 1.5-mile-long segment of the existing Ramona Expressway, would substantially increase the project costs <u>to an extraordinary magnitude</u> , and would result in greater right of way and land use impacts <u>more severe than the MCP Build Alternative</u> , and contributions to cumulative impacts, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site.

Source: LSA Associates, Inc. (2012 and 2015).

CFR = Code of Federal Regulations

MCP = Mid County Parkway

⁽¹⁾ Other Federal statutes that protect resources which were considered in this analysis are:

Clean Water Act

Endangered Species Act

Farmland Protection Policy Act

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898)

Floodplain Management (Executive Order 11988)

Section 106 (Cultural resources)

Because the Multi-Use Prehistoric Site extends some distance south of the Ramona Expressway as noted above, full avoidance on a southern alignment would require shifting the alignment at least 0.5 mi south of the Ramona Expressway. Two options to avoid the Multi-Use Site by shifting the alignment approximately 0.5 mi to the south were considered for Avoidance Alternative 3: Options A and B. They are discussed in the following sections.

Option A for Avoidance Alternative 3. Option A would shift the alignment at least 0.5 mi south of the Ramona Expressway so that the alignment would cross this area south of the southernmost part of the Multi-Use Prehistoric Site. This would shift the alignment into the Lakeview Mountains. The realigned segment of the MCP project under Option A would be approximately 4.1 mi long. The effects of Option A are:

- The realigned segment of the MCP Build Alternatives in Option A would not use an approximately 1.5 mi long segment of the existing Ramona Expressway right of way; this would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.
- Option A would require substantially more right of way, approximately 309 ac, than the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would result in the acquisition of substantially more land currently used for agriculture, approximately 171 ac, than the MCP Build Alternatives and Option B as shown in Table 4.5, which would affect more non-transportation land uses than the Build Alternatives.
- Option A would affect more General Plan-designated land uses than the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would impact a dairy operation on the south side of the Ramona Expressway near Pico Road not impacted by Option B or the proposed MCP alignment.
- Option A would result in the use of substantially more land designated as Western Riverside County MSHCP Criteria Areas, at approximately 165 ac, compared to the MCP Build Alternatives and Option B as shown in Table 4.5.
- Option A would impact four prehistoric sites not impacted by the MCP Build Alternatives.
- Option A would require construction in steep terrain for a distance of about 1.7 mi, which would increase the project construction costs by an estimated additional \$50 million (per the cost estimates in the *Draft Project Report* [2012], which estimated the cost of construction in flat terrain at \$55 million per mile and \$97 million per mile in steep terrain).
- Option A would impact a dairy operation on the south side of the Ramona Expressway near Pico Road.
- Option A would require two additional crossings of the Metropolitan Water District of Southern California (Metropolitan) Colorado River Aqueduct (CRA), with a fill section of 100 ft in height at one location and at the Park Center MCP service interchange at the other location. The CRA is an old pipe; crossing this pipeline will require coordination with, and an easement from, Metropolitan. Additional loading on the pipe would put additional stress and strain on the pipe and is very undesirable from Metropolitan's point of view.

Table 4.5: Impacts of Avoidance Alternative 3

Type of Impact	MCP Build Alternatives	Avoidance Alternative 3, Option A: Realignment to the South	Avoidance Alternative 3, Option B: Realignment to the South
Total right of way needed for the realigned segment (including, as appropriate, segments of the existing Ramona Expressway right of way)	230.4 ac	309.0 ac	253.6 ac
Effects on Existing Land Uses (excluding the existing Ramona Expressway right of way)			
Agriculture	144.9	171.5	135.0
Commercial	0.1	--	--
Open Space and Recreation	0.3	--	--
Public Facilities	0.1	--	2.1
Residential	0.2	--	1.3
Vacant Land	6.3	121.9	101.8
Total Existing Land Uses	152.0	293.4	240.1
Effects on General Plan Designated Land Uses (excluding the existing Ramona Expressway right of way)			
Agriculture (AG)	69.0	64.0	90.0
Commercial Retail (CR)	--	--	0.1
Low Density Residential (LDR)	--	14.0	--
General Industrial (LI)	89.0	35.5	49.1
Medium Density Residential (MDR)	--	0.5	--
Conservation (OS-C)	66.0	6.1	--
Open Space Recreation (OS-R)	22.7	53.4	0.38
Rural Mountainous (RM)	1.4	30.6	-
Rural Residential (RR)	0.4	0.4	--
Very Low Density Residential (VLDR)	4.1	5.8	--
Very Low Density Residential - Rural Community (VLDR-RC)	40.9	29.1	12.4
Total	293.4	239.4	152.0
Effects on Western Riverside County MSHCP Criteria Areas			
Criteria Areas	81.4 ac	165.8 ac	115.9 ac

Source: LSA Associates, Inc. (2012).

ac = acres

MCP = Mid County Parkway

MSHCP = Multi-Species Habitat Conservation Plan

Additional analysis and coordination with Metropolitan would be required to get approval of these crossings, requiring a slab on grade or a bridge over the pipe to lessen or fully reduce the load on top of the pipe. Metropolitan prefers if there is going to be a crossing that the crossing be at a point location, perpendicular to the pipe and at grade to reduce load as much as possible.

- Option A would be at a 23 degree angle at the fill location and have three points of crossing at the Park Center MCP interchange location, one for the mainline MCP, and two for the eastbound on- and off-ramps.
- Option A would result in a cut section with a maximum height of 344 ft and a maximum width of 1,015 ft, and a fill section of a maximum 100 ft high and 777 ft wide. The MCP Build Alternatives do not have any cut sections along this segment and have a fill section of a maximum of 22 ft high with a width of 264 ft.

- Option A would result in additional visual impacts as a result of substantial grading in the Lakeview Mountains.
- Option A would not serve the planned residential and employment growth in the San Jacinto Valley area (i.e., there are no connecting roads in this area that would enable the public to access the MCP facility); Park Center Drive would need to be extended to the south to provide a connection to the facility with an interchange where the MCP crosses the Metropolitan CRA.

As summarized in Table 4.4, because Avoidance Alternative 3, Option A, would substantially increase the project costs, and could result in substantially greater right of way and land use impacts, and contributions to cumulative impacts compared to the MCP Build Alternatives, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site. As a result, FHWA has made a determination that Avoidance Alternative 3, Option A, is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

Option B for Avoidance Alternative 3. Option B would shift the alignment at least 0.6 mi south of the Ramona Expressway so that the alignment would cross this area south of the southernmost part of the Multi-Use Prehistoric Site and would avoid impacting the dairy operation at the Ramona Expressway and Pico Road. Similar to Option A, this would shift the alignment into the Lakeview Mountains. The effects of Option B are:

- The realigned segment of the MCP Build Alternatives in Option B would not use an approximately 1.5 mi long segment of the existing Ramona Expressway right of way; this would result in that segment of the Expressway remaining as is, without logical connections to the overall transportation system.
- Option A would require slightly more right of way, approximately 253 ac, than the MCP Build Alternatives and less than Option A as shown in Table 4.4, and would impact more non-transportation land uses than the Build Alternatives.
- Option B would require less land currently used for agriculture, approximately 134 ac, than both the MCP Build Alternatives and Option A as shown in Table 4.4.
- Option B would affect more General Plan designated land uses than the MCP Build Alternatives and less than Option A as shown in Table 4.4.
- Option B would result in the use of less land designated as Western Riverside County MSHCP Criteria Areas, at approximately 115 ac, than Option A but more than the MCP Build Alternatives as shown in Table 4.4.
- Option B would not impact the dairy operation on the south side of the Ramona Expressway near Pico Road that would be impacted by Option A.
- Option B would impact one prehistoric site not impacted by the MCP Build Alternatives.
- Option B would require construction in steep terrain for a distance of about 1.2 mi, which would increase the project construction costs by an estimated additional \$39 million (per the cost estimates in the *Draft Project Report* [2012], which estimated the cost of construction in flat terrain at \$55 million per mile and \$97 million per mile in steep terrain).

- Option B would require two additional crossings of the Metropolitan CRA, with a fill section of 54 ft in height at one location and at the Park Center/MCP service interchange at the other location. As discussed earlier, the CRA is an old pipe; crossing this pipeline will require coordination with, and an easement from, Metropolitan. Additional analysis and coordination with Metropolitan would be required to get approval of these crossings, requiring a slab on grade or a bridge over the pipe to lessen or fully reduce the load on top of the pipe. Metropolitan prefers, if there is going to be a crossing, that the crossing be at a point location, perpendicular to the pipe and at grade to reduce load as much as possible. Option B would be at a 43.3 degree angle at the fill location and have three points of crossings, at the Park Center MCP interchange location, one for the mainline MCP, and two for the eastbound on- and off-ramps.
- Option B would result in a cut section with a maximum height of 152 ft and a maximum width of 730 ft, and a fill section of a maximum 60 ft high and 471 ft wide. The MCP build alternatives do not have any cut sections in this same stretch and have a fill section of a maximum of 22 ft high with a width of 264 ft.
- Option B would result in additional visual impacts as a result of substantial grading in the Lake View Mountains.
- Option B would not serve the planned residential and employment growth in the San Jacinto Valley area (i.e., there are no connecting roads in this area that would enable the public to access the MCP facility); Park Center Drive would need to be extended to the south to provide a connection to the facility with an interchange located where the MCP crosses the Metropolitan CRA.

As summarized in Table 4.4, because Avoidance Alternative 3, Option B, would substantially increase the project costs, and would result in substantially greater right of way and land use impacts, and contributions to cumulative impacts compared to the MCP Build Alternatives, it is not a prudent alternative to avoid the use of the Multi-Use Prehistoric Site. As a result, FHWA has made a determination that Avoidance Alternative 3, Option B, is not a prudent alternative to avoid the use of land from the Multi-Use Prehistoric Site as defined by 23 CFR 774.17.

4.6 SUMMARY OF CONSIDERATION OF FEASIBLE AND PRUDENT ALTERNATIVES

In summary, although there are feasible alternatives to avoid the use of land from the Multi-Use Prehistoric Site by the MCP Build Alternatives, as discussed above, FHWA has concluded that none of those avoidance alternatives is prudent. FHWA has also determined that although Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternatives 1, 2, 3 (with Options A and B), 4, and 5 are feasible, they would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site. As discussed later in Section 5.3.4, Summary of Consideration of Feasible and Prudent Alternatives, although there are feasible avoidance alternatives that could be built, FHWA has determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternative 1 would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

As a result, FHWA has determined that there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties.

4.7 LEAST HARM ANALYSIS FOR ALL SECTION 4(F) PROPERTIES

As discussed above in Section 4.6 and later in Section 5.4, FHWA has determined there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties, specifically the Multi-Use Prehistoric Site (Site P-33-16598), and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Because there is no feasible and prudent avoidance alternative, FHWA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose. Pursuant to substantial case law, if the assessment of overall harm finds that two or more alternatives are substantially equal, FHWA can approve any of those alternatives. This analysis is required when multiple alternatives that use Section 4(f) property remain under consideration.

To determine which of the Build Alternatives would cause the least overall harm to the Multi-Use Prehistoric Site (Site P-33-16598) and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866, FHWA must compare seven factors set forth in 23 CFR 774.3(c)(1) concerning the alternatives under consideration. As discussed earlier in Section 4.2.2, Alternatives 4 Modified, 5 Modified, and 9 Modified are on a common alignment in the vicinity the Multi-Use Prehistoric Site (Site P-33-16598) and would all use the same amount (2.6 acres) of land from the same part of that site. The alignments of the Build Alternatives in that area have been designed to minimize the amount of land that would be used within the Multi-Use Prehistoric Site (Site P-33-16598). As discussed later in Section 5.2.2, Alternatives 4 Modified, 5 Modified, and 9 Modified are on a common alignment in the vicinity of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 and would permanently use all the land occupied by those sites.

Although the three Build Alternatives would all use the same land from the Multi-Use Prehistoric Site (Site P-33-16598) and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866, analysis of the net harm of the Build Alternatives on those resources based on the seven factors in 23 CFR 774.3(c)(1) was conducted as summarized in Table 4.6.

In summary, as shown in Table 4.6, there is no difference in the net harm that the three Build Alternatives would cause to Section 4(f) properties under factors 1, 2, 3, and 4. All three Build Alternatives meet the project purpose and need (factor 5), and Alternative 9 Modified performs better on issues beyond Section 4(f) (factors 6 and 7) than the other two Build Alternatives.

4.8 MEMORANDUM OF AGREEMENT

Based on the *Findings of Effect* (November 2012), FHWA determined that the MCP Build Alternatives would have an adverse effect on the Multi-Use Prehistoric Site as a result of the permanent use of 2.6 ac of land within this site. The SHPO concurred with this determination on January 8, 2013. FHWA, the California Department of Transportation (Caltrans), the SHPO, and interested Native American Tribes were involved in a consultation process to identify and develop measures to minimize and mitigate the effects of that permanent use of land in the Multi-Use

Table 4.6 Analysis of Net Harm to the Multi-Use Prehistoric Site under the Build Alternatives

<u>Factor from 23 CFR 774.3(c)(1)</u>	<u>Net Harm under the Build Alternatives</u>
1. <u>The ability to mitigate adverse impacts to each Section 4(f) property (including any measures that result in benefits to the property)</u>	<u>As discussed in Sections 4.8 and 5.6, a Memorandum of Agreement between FHWA and SHPO, with RCTC and Caltrans as Invited Signatories, and nine Native American Tribes as Concurring Parties, details specific measures to minimize and mitigate the effects of the Build Alternatives on the Multi-Use Prehistoric Site (Site P-33-16598) and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.</u>
2. <u>The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualify each Section 4(f) property for protection</u>	<u>Even with the mitigation described in Sections 4.8 and 5.6, the three Build Alternatives would still result in the permanent use of 2.6 acres of land from the Multi-Use Prehistoric Site (Site P-33-16598), and the permanent use of all the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.</u>
3. <u>The relative significance of each Section 4(f) property</u>	<u>As noted in Sections 4.2.2 and 5.2.2, the culturally affiliated Native American Tribes have indicated that the Multi-Use Prehistoric Site (Site P-33-16598) as a whole is important and significant and that Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 are culturally significant.</u>
4. <u>The views of the officials with jurisdiction over each Section 4(f) property</u>	<p><u>The Multi-Use Prehistoric Site (Site P-33-16598) and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 are in private ownership. In accordance with the provisions of 23 CFR 774.17(1), the California State Historic Preservation Officer is the official with jurisdiction over these historic properties.</u></p> <p><u>As noted above, the culturally affiliated Native American Tribes have indicated that the Multi-Use Prehistoric Site (Site P-33-16598) as a whole is important and significant and that Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 are culturally significant.</u></p> <p><u>As documented in correspondence in Attachment J-4, Section 106 Consultation Correspondence with Native American Tribes, the Native American Heritage Commission, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation (in Appendix J, Supplemental Chapter 5 Attachments in the Final EIR/EIS), the State Historic Preservation Officer has concurred that the Multi-Use Prehistoric Site (P-33-16598) and that Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 are being treated as eligible for the purposes of this undertaking, has concurred on the Finding of Effects for the MCP project, and has concurred on the Memorandum of</u></p>

Table 4.6 Analysis of Net Harm to the Multi-Use Prehistoric Site under the Build Alternatives

<u>Factor from 23 CFR 774.3(c)(1)</u>	<u>Net Harm under the Build Alternatives</u>
	<p><u>Agreement for the treatment of adverse effects on those sites.</u></p> <p><u>In early 2015, FHWA initiated consultation with SHPO under Section 4(f) regarding the historic properties evaluated in detail in the Final Section 4(f) Evaluation. In February 2015, SHPO indicated that the agency would review the Final Section 4(f) Evaluation during the 30-day public availability period for the Final EIS. SHPO's comments and/or concurrence with FHWA's determinations in the Final Section 4(f) Evaluation will be documented in FHWA's Record of Decision for the MCP project.</u></p>
<u>5. The degree to which each alternative meets the purpose and need for the project</u>	<u>As shown on Table 2.4.B (Comparison of the Alternatives) in the Final EIR/EIS, Alternatives 4 Modified, 5 Modified, and 9 Modified would all meet the project purpose and need.</u>
<u>6. After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f)</u>	<u>As summarized in Table 4.8.1 (Summary of Potential Impacts) in the Final EIR/EIS, all three Build Alternatives would result in adverse impacts to both the natural and human environments. The table shows that, in many cases, the effects of the three Build Alternatives are the same or very similar. It also shows that effects would be different for a number of environmental parameters. That analysis concluded that Alternative 9 Modified would be environmentally superior, after mitigation, to the other Build Alternatives for the largest number of environmental parameters.</u>
<u>7. Substantial differences in costs among the alternatives</u>	<p><u>As shown in Table 2.4.A (Cost Breakdown for the MCP Build Alternatives) in Chapter 2, Project Alternatives, in the Final EIR/EIS, the total (engineering, construction [build cost], right of way, roadway and structures, and environmental mitigation) costs of the three Build Alternatives are:</u></p> <p><u>Alternative 4 Modified: \$2.52 billion</u> <u>Alternative 5 Modified: \$2.07 billion</u> <u>Alternative 9 Modified: \$1.94 billion</u></p>

Prehistoric District by the MCP project. As the local project sponsor, RCTC also participated in the ongoing consultation regarding measures to address the project effects at the Multi-Use Prehistoric Site.

That consultation led to the MOA between FHWA and SHPO, with Caltrans and RCTC as Invited Signatories to the MOA and nine Native American Tribes as Concurring Parties to the MOA. The MOA includes the following attachments:

- **Attachment A, 36 CFR Part 800.16 Definitions:** As discussed in Section I, Definitions, in the MOA, this attachment provides the definitions of terms provided in 36 CFR Part 800.16 that are applicable throughout the MOA.
- **Attachment B, Maps:** As discussed in Section III, Area of Potential Effects, in the MOA, this attachment shows the Area of Potential Effects (APE) for the MCP project and documented cultural resources sites within the APE. Because of the sensitivity of the resources shown on these maps, they are not included in the copy of the MOA provided in Appendix U of this Final EIR/EIS.
- **Attachment C, Cultural Landscape Study Annotated Outline:** As discussed in Section IV, Resolution of Adverse Effects to Historic Properties, Part A, in the MOA, this attachment provides an annotated outline for a Cultural Landscape Study that will be prepared by RCTC in consultation with FHWA, Caltrans, SHPO, and the concurring parties to the MOA.
- **Attachment D, Discovery and Monitoring Plan:** As discussed in Section V, Implementation of the Archaeological Discovery and Monitoring Plan, Part A, in the MOA, this attachment is the Discovery and Monitoring Plan (DMP) for the MCP project. The DMP establishes the procedures for archaeological resource monitoring/observation, and procedures for temporarily halting or redirecting work to permit identification, sampling, and evaluation of archaeological resources. It also describes the Protocols to be followed for the establishment of Environmentally Sensitive Areas (ESAs) for the MCP project. The DMP includes the “Mid County Parkway Burial Treatment Plan” regarding the management and disposition of Native American burials, human remains, cremations, and associated grave goods.

4.9 ALL POSSIBLE PLANNING TO MINIMIZE HARM TO ALL SECTION 4(f) PROPERTIES

4.9.1 Development of Measures

Mitigation of historic sites usually consists of measures necessary to preserve the historic integrity of the site and agreed to in accordance with 36 CFR 800 by FHWA, the State Historic Preservation Officer, and other consulting parties. As discussed in Sections 4.8 and 5.6, a Memorandum of Agreement between FHWA and SHPO, with RCTC and Caltrans as Invited Signatories, and nine Native American Tribes as Concurring Parties, details specific measures to minimize and mitigate the effects of the Build Alternatives on the Multi-Use Prehistoric Site and Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866, respectively. Those measures, provided below in Section 4.9.2, represent all possible planning to minimize harm to all the Section 4(f) properties used by the Build Alternatives.

4.9.2 Measures to Minimize Harm

Refer to Section 3.8.4, Memorandum of Agreement, in this Final EIR/EIS for discussion regarding the MOA that was developed for the MCP project. The MOA is provided in Appendix U of this Final EIR/EIS. Measures to address the effect of the use of 2.6 ac in the Multi-Use Prehistoric Site P-33-16598 by the MCP project are provided in the MOA and DMP. The measures in the MOA to minimize harm to Site P-33-16598 are provided below.

CUL-1 Cultural Landscape Study. As stipulated in Section IV.A in the MOA, the RCTC, in consultation with FHWA, Caltrans, SHPO, and the Consulting Tribes shall prepare a Cultural Landscape Study of western Riverside County focused on the region surrounding the MCP Project APE. An annotated outline of the required study is provided as Attachment C in the MOA and specifies that the study will provide a synthesis of the prehistory and ethnography of western Riverside County, with a focus on the portions of the Perris and San Jacinto Valleys that surround the MCP Project APE, and develop an improved prehistoric/historic context for the vicinity. The annotated outline specifies that the Consulting Tribes will be invited to participate in the development of the required study. The Consulting Tribes' participation and consultation during the development of the Landscape Study will be guided by the provisions in Attachment C. A draft Cultural Landscape Study will be submitted to the Consulting Tribes for a thirty (30)-day review and comment period. The FHWA shall consider all comments from the Consulting Tribes within thirty (30) calendar days of receipt to conduct consultation on any issues stemming from the comments and before its final approval of the Cultural Landscape Study. The RCTC will submit the Draft Cultural Landscape Study and any comments from the Consulting Tribes to the Signatories to this MOA for a forty-five (45)-day review and comment period. Copies of all comments received will be provided to the FHWA. The Cultural Landscape Study will be completed prior to the start of any construction activities east of Redlands Avenue, including activities that would directly affect Sites 33-16598, 33-19862, 33-19863, 33-19864, and 33-19866.

CUL-3 Implementation of the Archaeological Discovery and Monitoring Plan. As stipulated in Section V.A in the MOA, the RCTC, in consultation with FHWA, Caltrans, SHPO, and the Consulting Tribes, has prepared a Discovery and Monitoring Plan (DMP) (Attachment D in the MOA). The DMP establishes procedures for archaeological resource monitoring/observation, and procedures for temporarily halting or redirecting work to permit identification, sampling, and evaluation of archaeological resources. The DMP also describes the Protocols to be followed for the Environmentally Sensitive Areas (ESAs) established for the MCP Project. The ESAs have been established to prevent inadvertent adverse effects to historic properties and cultural resources during project construction.

CUL-4 Implementation of the Archaeological Discovery and Monitoring Plan. As stipulated in Section V.C in the MOA, the RCTC, as the MCP Project Applicant, will pay for at least one (1) archaeological monitor and at least one (1) Native American monitor to be present during construction activities at each construction locale situated in native soils as determined by RCTC's Resident Engineer for construction and the project archaeologist. Each monitoring team, composed of an archaeological

and a Native American monitor, will work with one piece of heavy machinery and its operator at all times when native soil is being moved, including brush removal. Should there be more than one piece of heavy machinery at a construction locale that is working in native soils, additional monitors will be added. Native soils include all areas that have not been previously developed. These areas will be determined by the project archaeologist. Monitoring will continue until excavation has ceased or bedrock is reached. The RCTC will determine the Tribe responsible for monitoring various construction locales, and this may involve rotational monitoring among Consulting Tribes. Where a Tribe is not designated as the Native American Monitor in a specific location, the Tribe's monitors are welcome to monitor that location on an unpaid basis. The RCTC will ensure that a periodic archaeological report containing the period monitoring logs is completed by the project archaeologist and submitted to all Consulting Tribes as will be described in the Draft Monitoring Agreement. The report will thoroughly detail all associated activities, discoveries, and updates within the period. The report will be sent via mail and/or email. Provisions for tribal and archaeological monitoring are included in the DMP (Attachment D in the MOA).

Prior to construction, a Draft Monitoring Agreement will be prepared as a subsequent document to this MOA. The Draft Monitoring Agreement will provide the details regarding how the monitoring will proceed. Aspects of the Native American monitoring program will be listed and described. These will include, but are not limited to, the following: a) which Tribes will be participating in the monitoring; b) the locations within the APE where the monitoring will occur; and c) further details concerning the rotation of Native American monitors as discussed above. Consulting Tribes that choose to participate in the monitoring will have the opportunity to provide input on the Draft Monitoring Agreement before it becomes finalized by the Transportation Agencies.

A Native American monitor cannot be substituted for an archaeological monitor; however, this does not preclude a Native American monitor from serving as an archaeological monitor if they meet the professional qualification standards under the PA.

CUL-5 **The Discovery of Human Remains.** As stipulated in Section V.D in the MOA, the FHWA shall implement the plan of action entitled "Mid County Parkway Burial Treatment Agreement" appended to the DMP as Appendix D in the MOA, regarding the management and disposition of Native American burials, human remains, cremations, and associated grave goods. RCTC, as the MCP Project Applicant, shall ensure that this measure is implemented during project construction.

CUL-6 **Curation of Archaeological Collections.** As stipulated in Section V.E in the MOA, per the current Caltrans standards and protocols concerning the disposition of artifacts, all recovered materials resulting from construction monitoring, prior archaeological excavations, and surveys as provided for in this MOA will be curated by an institution that meets the standards set forth in 36 CFR Part 79, as well as the State of California "Guidelines for the Curation of Archaeological Collections." The

FHWA understands that there is ongoing discussion between the Transportation Agencies and consulting Tribes regarding the possibility of reburying artifacts instead of curating them. Therefore, should the protocol for curation change, a future agreement regarding the reburial of artifacts, developed in consultation with the SHPO, may be executed by the FHWA, with the Tribes who are consulting parties to the MOA, and reburial of the recovered material may occur. Curation and/or reburial agreements will be executed prior to construction of the MCP Project, and the consulting Tribes will have the opportunity to provide input. RCTC, as the MCP Project Applicant, shall ensure that this measure is implemented during project construction.

CUL-7 **Native American Consultation.** As stipulated in Section VI in the MOA, the involved Tribes shall be consulted throughout construction monitoring in regards to any known cultural resources, historic properties, or the discovery of any unanticipated Native American archaeological resources affected by the Undertaking. Consultation with the consulting Tribes will continue pursuant to the confidential Protocols developed by each Tribe and will continue until the Undertaking has been completed and all stipulations of the MOA are fulfilled. RCTC, as the MCP Project Applicant, shall ensure that this measure is implemented during project construction.

5.0 SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

5.1 INTRODUCTION

This section discusses the following:

- The potential use and temporary occupancy of the Mid County Parkway (MCP) Build Alternatives on Sites P-33-19862 (CA-RIV-10108), P-33-19863 (CA-RIV-10109), P-33-19864 (CA-RIV-10110), and P-33-19866 (CA-RIV-10112) (also referred to in this section as the four Sites). The four Sites are discussed together because they are located generally along the same segment of the MCP Build Alternatives and, as a result, the project effects on one site would be the same as on the other three sites and consideration of avoidance of one site would include consideration of avoidance of the other three sites.
- The identification and evaluation of possible feasible and prudent alternatives to avoid the permanent incorporation of land from these four Sites into the MCP Build Alternatives.
- The development of measures to minimize harm to these four Sites by the MCP Build Alternatives. Those measures are documented in detail in Appendix U, Memorandum of Agreement between the Federal Highway Administration and the California State Historic Preservation Officer Regarding the Mid County Parkway Project Riverside, California, in the Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Key provisions of the Memorandum of Agreement (MOA) were discussed earlier in Section 4.7, Memorandum of Agreement, in this Section 4(f) Evaluation.

The locations of these Sites are not shown in this Final Section 4(f) Evaluation to protect them from unauthorized artifact collecting, vandalism, and other disturbances.

These Section 4(f) properties were evaluated to assess the amount of land that would be used from these resources by the MCP Build Alternatives. This was evaluated based on overlaying the alternative footprints/right-of-way limits on the geographical information system (GIS) mapping of the boundaries of these four Sites, and the total area anticipated to be used by each alternative at these resources was calculated.

The project footprint/right of way was defined to include the permanent right of way needed for each MCP Build Alternative and the areas anticipated to be disturbed during construction of those alternatives. As a result, the project footprint/right of way includes all the land that will be permanently incorporated into the transportation facility. No temporary construction easements (TCEs) or other temporary uses of land outside the defined footprint/right of way are anticipated at these four Sites. As a result, no temporary occupancy for temporary construction staging areas or TCEs will occur at those resources. Therefore, no evaluation of temporary use of land from these Section 4(f) properties was required.

The MCP Build Alternatives will not include any permanent surface, subsurface, or aerial easements at these four Sites. Therefore, no evaluation of permanent easements at these Section 4(f) properties was required.

5.2 USE OF SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

Neither of the MCP design variations described in Chapter 2.0 is adjacent to these four Sites. As a result, discussions of and citations to Alternatives 4 Modified, 5 Modified, and/or 9 Modified or to the MCP Build Alternatives regarding use effects at these four Sites under Section 4(f) should be interpreted to mean that those use effects apply to any of those alternatives with the Base Case and/or either or both of the design variations.

5.2.1 Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 under Alternative 1A: No Project/No Action – Existing Ground Conditions, and Alternative 1B: No Project/No Action – General Plan Circulation Element Conditions

Alternatives 1A and 1B do not propose the construction and operation of any MCP project improvements. Therefore, Alternatives 1A and 1B would not use any land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

5.2.2 Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 under the Build Alternatives

Based on review of the project plans, the land occupied by each of these four Sites would be used (permanently incorporated into the transportation facilities) by Alternatives 4 Modified, 5 Modified, and 9 Modified. The locations of these Sites, their relationships to the footprints/rights of way for the MCP Build Alternatives, and the use of land from those Sites under the Build Alternatives are considered confidential and therefore are not provided on a figure in this report.

In its *Findings of Effect* (November 2012), the Federal Highway Administration (FHWA) determined that the MCP Build Alternatives would result in a finding of Adverse Effect on these four Sites under Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations [CFR] 800). The finding of Adverse Effect was made by FHWA because culturally affiliated Tribes indicated during consultation that these four sites are considered culturally significant. The State Historic Preservation Officer (SHPO) concurred with the Finding of Adverse Effect on January 8, 2013. As a result, the Build Alternatives were not determined to result in a de minimis impact on Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 and, as described later in this section, avoidance alternatives to avoid use of these sites were evaluated.

As noted earlier, there would be no TCEs or other temporary uses outside the right-of-way limits for the Build Alternatives, including in the area of these four Sites. Therefore, no analysis of effects of such temporary uses at these Sites is necessary.

5.3 AVOIDANCE ALTERNATIVES

5.3.1 Test for Feasible and Prudent Avoidance Alternatives

As discussed above, the three MCP Build Alternatives would each use (permanently incorporate into the transportation facilities) the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Avoidance alternatives were developed for the use of land from those Section 4(f) properties. Those avoidance alternatives were then evaluated to determine whether they were feasible and prudent. Refer to Section 4.3, Test for Feasible and Prudent Alternatives, for discussion regarding the definition of “feasible and prudent avoidance alternative” and the process to develop and evaluate alternatives to avoid the permanent use of the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. As noted earlier, these four Sites are discussed together because they are located generally along the same segment of the MCP Build Alternatives and the project effects on one site would be the same as on the other three sites and consideration of avoidance of one site would include consideration of avoidance of the other three sites.

Two avoidance alternatives were developed and evaluated to assess whether they met the defined project purposes. Table 5.1 lists the project purposes and summarizes whether each avoidance alternative meets those defined purposes.

The avoidance alternatives were also evaluated regarding whether they meet the criteria in 23 CFR 774.17 for assessing if an alternative is feasible and prudent.

The avoidance alternatives were also evaluated to assess whether they would impact other Section 4(f) properties while avoiding impacts to these four Sites. A northerly avoidance alternative was not evaluated because such an alternative would impact known Section 4(f) properties, including National Register of Historic Places eligible prehistoric sites and the Lake Perris State Recreation Area.

5.3.2 Avoidance Alternatives for the Use Impacts of the MCP Build Alternatives at Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

No Project/No Build Alternatives. Alternatives 1A No Project/No Build and 1B No Project/No Build would avoid the use of any land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 and, therefore, were evaluated as possible avoidance alternatives.

Alternatives 1A No Project/No Build and 1B No Project/No Build are feasible in that the improvements included in those alternatives could be designed and constructed as a matter of sound engineering judgment. However, as shown in Table 5.1, those alternatives would not meet the defined project purpose because they would not provide capacity for 2040 traffic demand, and would not provide a facility that meets State highway design standards, accommodates the Surface Transportation Assistance Act network, or is compatible with a future multimodal transportation system. Because Alternatives 1A and 1B would not meet the defined project purpose, they would compromise the project to a degree that it would be unreasonable to proceed with the project in terms of its stated purpose. As described earlier in Section 4.3, an alternative is not prudent if it meets at least one of the criteria listed in 23 CFR 774.17. Because the No Project/No Build Alternatives would compromise the project to a degree that it is unreasonable to proceed with the project in light of its

Table 5.1: Ability of the Alternatives that Avoid Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 to Meet the Defined Project Purpose

Avoidance Alternative	Does Avoidance Alternative Meet the Defined Project Purpose?				
	Provide Increased Capacity to Support the Forecasted Travel Demand for the 2040 Design Year	Provide a Limited Access Facility	Provide Roadway Geometrics to meet State Highway Design Standards	Accommodate Surface Transportation Assistance Act National Network Trucks	Provide a Facility that is Compatible with a Future Multimodal Transportation System
Alternatives 1A and 1B: No Project/No Action	No	No	No	No	No
Avoidance Alternative 1: Substantial Realignment to the South	Yes	Yes	Yes	Yes	Yes

Source: LSA Associates, Inc. (2012).

stated purpose and need (one of the criteria at 23 CFR 774.17), no further analysis of criteria to assess whether those alternatives are prudent was conducted. Therefore, FHWA has concluded that Alternatives 1A No Project/No Build and 1B No Project/No Build would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

5.3.3 Avoidance Alternative 1, Substantial Shift to the South, to Avoid the Use of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

Avoidance Alternative 1 would avoid the use of land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 by shifting the alignment south of the alignment of Alternative 5 Modified, 6, Modified, and 9 Modified, as shown on Figure 5.1. This avoidance alternative is aligned well south of the alignment of the MCP Build Alternatives to avoid both the archaeological sites potentially affected by the Build Alternatives as well as other documented archaeological sites south of the MCP alignment. Figures provided in this section do not show the locations or boundaries of Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 or other documented archaeological resources in this part of western Riverside County to protect those sites from unauthorized artifact collecting and other vandalism.

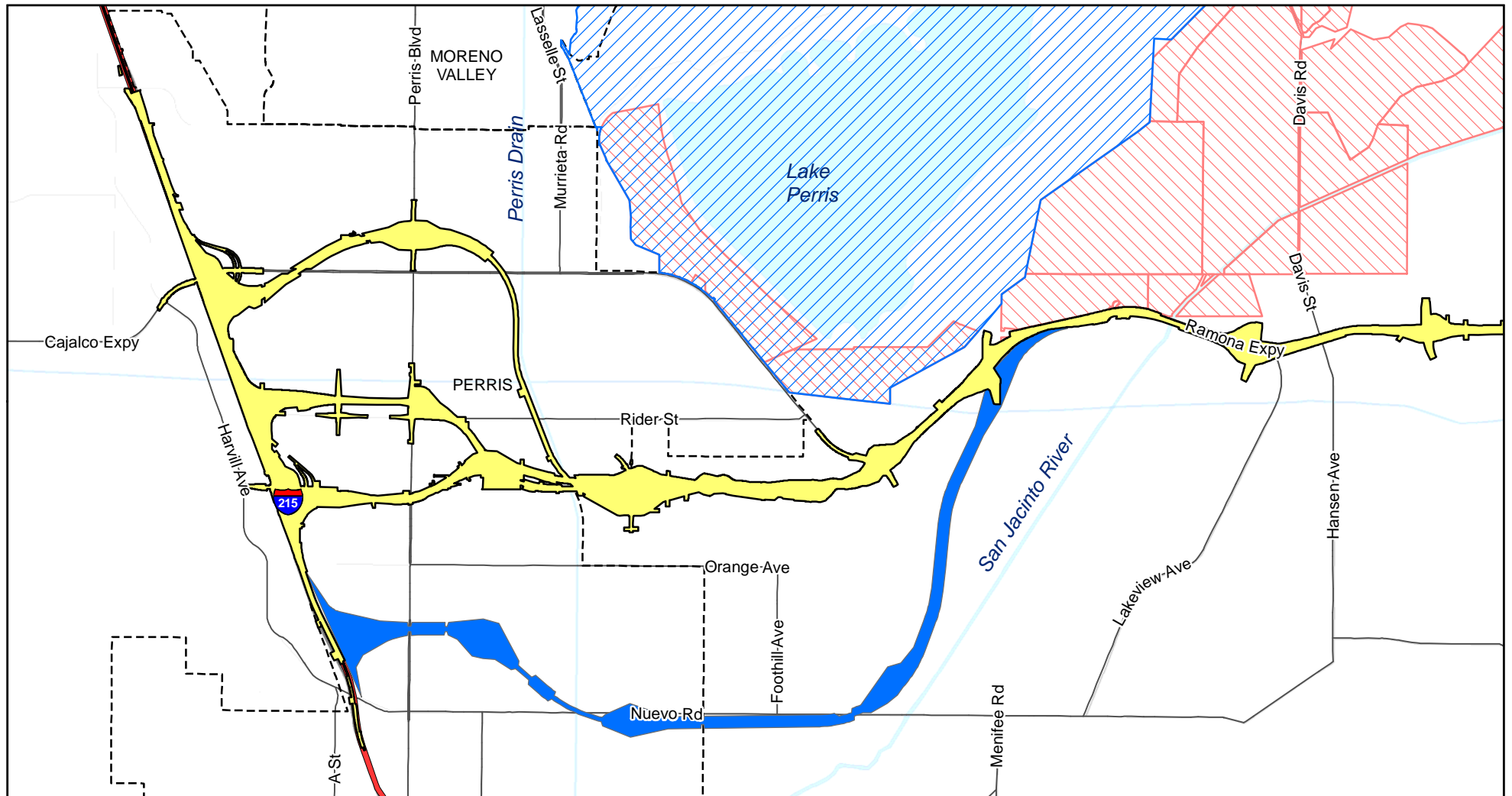
Avoidance Alternative 1 was determined to be feasible in that the improvements included in that alternative could be designed and constructed as a matter of sound engineering judgment.

As shown on Figure 5.1, Avoidance Alternative 1 would shift the alignment of the Build Alternatives south from Interstate 215 (I-215) to just east of Lake Perris. Avoidance Alternative 1 would start at I-215, approximately 1 mile (mi) south of the Alternative 9 Modified Alignment and would extend east across the City of Perris, turning north, west of the San Jacinto River, and joining the alignment of the MCP Build Alternatives southeast of Lake Perris. Avoidance Alternative 1 between I-215 and the point in which it joins the alignment of the MCP Build Alternatives southeast of Lake Perris is approximately 6.9 mi long. This Avoidance Alternative alignment is longer than the alignments of Alternatives 5 Modified and 9 Modified (5.6 and 5.9 mi, respectively) for the same segment and shorter than that segment under Alternative 4 Modified (7.4 mi). As shown in Table 5.1, Avoidance Alternative 1 would meet the project purposes.

As shown in Table 5.2 and on Figure 5.2, Avoidance Alternative 1 would result in severe social, economic, and environmental impacts as a result of the acquisition of approximately 550 homes generally along the western segment of this Avoidance Alternative and the disruption of existing land uses along its alignment. This alternative would result in severe disruption to established communities based on the acquisition of the homes and its alignment through a developed area. The acquisition of the affected homes could increase the project right of way costs by an estimated \$83 million. (This represents a 39 to 43 percent increase in the project right of way costs depending on the MCP Build Alternative.)

As shown on Figure 5.3, shifting the alignment south for Avoidance Alternative 1 would result in substantially greater impacts to Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Areas compared to the MCP Build Alternatives.

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LEGEND

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Alternatives 4 Modified, 5 Modified, and 9 Modified | Lake Perris State Recreation Area |
| Avoidance Alternative 1 | San Jacinto Wildlife Area |

FIGURE 5.1

SOURCE: ESRI (2008); TBM (2010), Jacobs Engineering (02/2011, 11/2012)



0 0.5 1 MILES

Avoidance Alternative 1 for Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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Table 5.2: Analysis of a Feasible Avoidance Alternative that Meets the Defined Project Purpose

Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Substantial Realignment to the South
Criteria to determine if the avoidance alternative is prudent	
The avoidance alternative compromises the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need; refer also to Table 5.1 for evaluation of the ability of the alternatives to meet the defined project purpose.	Avoidance Alternative 1 would meet the defined project purpose and would not compromise the project to a degree that it is unreasonable to proceed with the project in terms of its stated purpose and need.
The avoidance alternative results in unacceptable safety or operational problems.	Avoidance Alternative 1 can be designed, constructed, and operated to existing standards and would not result in unacceptable safety or operational problems.
After reasonable mitigation, does the alternative still cause:	
This avoidance alternative causes severe social, economic, or environmental impacts after reasonable mitigation.	Avoidance Alternative 1 would result in the acquisition of approximately 550 more homes than under the MCP Build Alternatives and would disrupt more existing and Specific Plan land uses on its alignment than by the MCP Build Alternatives. This would result in substantial social, economic, and environmental impacts on the residents in those homes and in the City of Perris overall which would be substantially <u>more severe</u> than the effects of the MCP Build Alternatives in this area. In addition, the alignment of Avoidance Alternative 1 would impact more land in designated Western Riverside County MSHCP Criteria Areas than the Build Alternatives.
This avoidance alternative causes severe disruption to established communities after reasonable mitigation.	As shown on Figure 5.1, the alignment of Avoidance Alternative 1 would disrupt existing developed areas in the City of Perris generally between I-215 and the Perris Storm Drain, including the removal of approximately 550 homes, which would be substantially greater <u>and more severe</u> than the effects of the MCP Build Alternatives on established communities.
This avoidance alternative causes severe disproportionate impacts to minority or low-income populations after reasonable mitigation.	Based on the acquisition of approximately 550 homes, the disruption of existing land uses along its alignment and the high percentage of low income and minority populations within the affected census tracts, Avoidance Alternative 1 would result in severe disproportionate impacts to minority or low-income populations.
This avoidance alternative causes severe impacts to environmental resources protected under other Federal statutes after reasonable mitigation.	Because of its proximity to the San Jacinto River, Avoidance Alternative 1 would result in greater <u>and more severe</u> impacts to biological resources (animals and plants and the habitats in which they occur in MSHCP designated Critical Habitats) protected under other federal statutes. <u>Avoidance Alternative 1 would also impact more designated Farmland than the Build Alternatives which would be more severe than under the Build Alternatives.</u>

Table 5.2: Analysis of a Feasible Avoidance Alternative that Meets the Defined Project Purpose

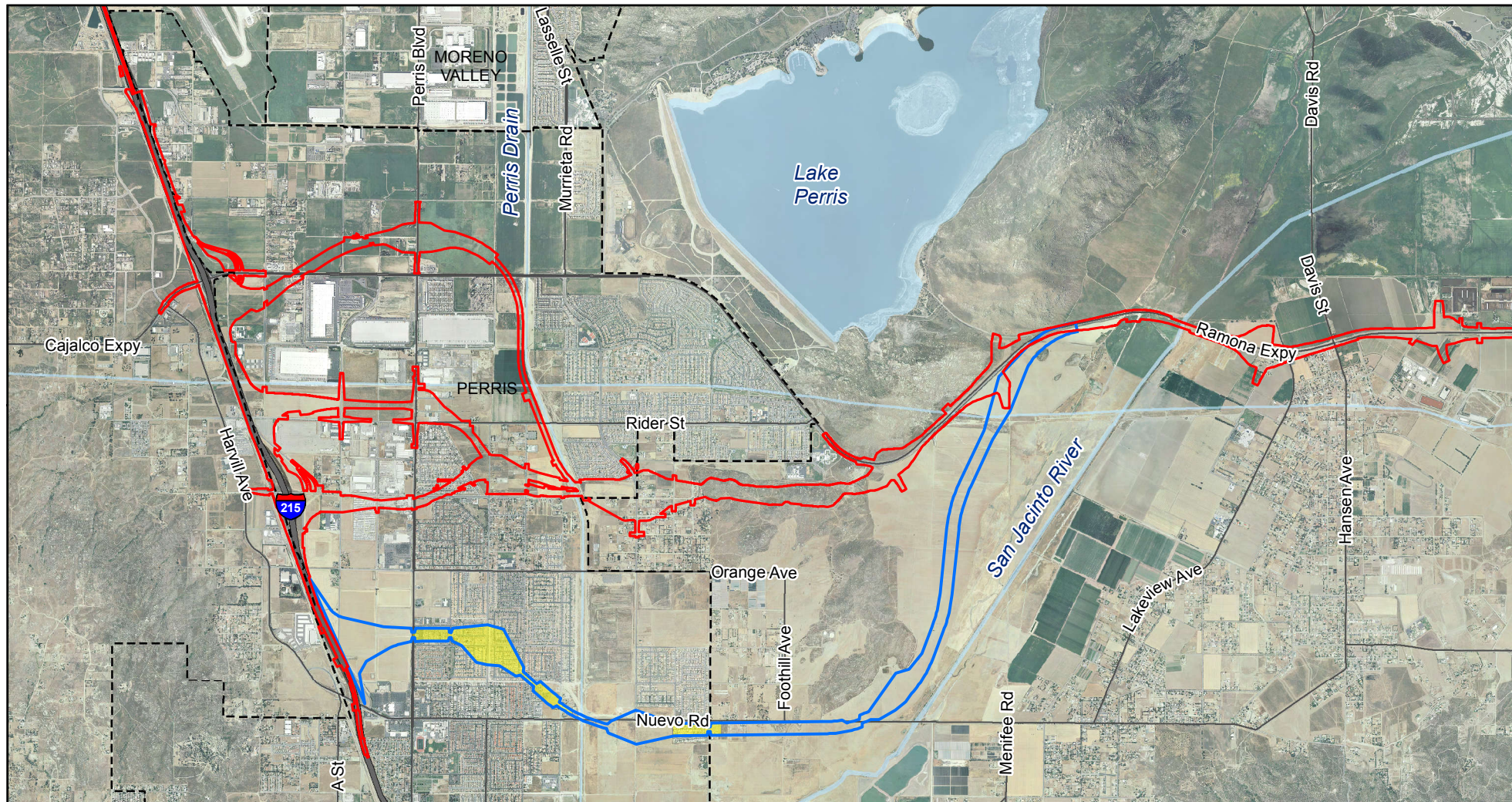
Criteria from 23 CFR Part 774.17	Avoidance Alternative 1: Substantial Realignment to the South
This avoidance alternative results in additional construction, maintenance, or operational costs of an extraordinary magnitude after reasonable mitigation.	Avoidance Alternative 1 would result in an increase of approximately \$83 million in right of way costs compared to the alignments of the MCP Build Alternatives, primarily as a result of the acquisition of approximately 550 homes. (This represents a 39 to 43 percent increase in the project right of way costs depending on the MCP Build Alternative.) <u>These increases in the project construction cost are considered to be of extraordinary magnitude.</u>
This avoidance alternative results in other unique problems or unusual factors.	Avoidance Alternative 1 would not result in other unique problems or other unusual factors.
This avoidance alternative results in effects under more than one of the criteria listed above that while individually minor, cumulatively cause unique problems or impacts of extraordinary magnitude.	Avoidance Alternative 1 would require the acquisition of approximately 550 homes which would contribute to substantially more cumulative impacts particularly related to land use, community impacts, biological resources, and designated Farmlands than the contribution of the MCP Build Alternatives. <u>Those impacts would be more severe than the impacts of the MCP Build Alternatives.</u>
Is the avoidance alternative prudent?	Because Avoidance Alternative 1 would substantially increase the project costs, result in the acquisition of approximately 550 homes, substantially disrupt established and planned communities, and contribute to cumulative impacts, it is not a prudent alternative to avoid the use of the land occupied by Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

Source: LSA Associates, Inc. (2012 and 2015).

CFR = Code of Federal Regulations

MCP = Mid County Parkway

MSHCP = Multiple Species Habitat Conservation Plan



LEGEND

- ▬ Alternatives 4 Modified, 5 Modified, and 9 Modified
- ▬ Avoidance Alternative 1
- ▬ Avoidance Alternative 1 would displace approximately 550 homes in this area.

FIGURE 5.2

SOURCE: Eagle Aerial (3/2010); TBM (2010), Jacobs Engineering (02/2011, 11/2012)



0 0.5 1 MILES

Impacts on Existing Land Uses

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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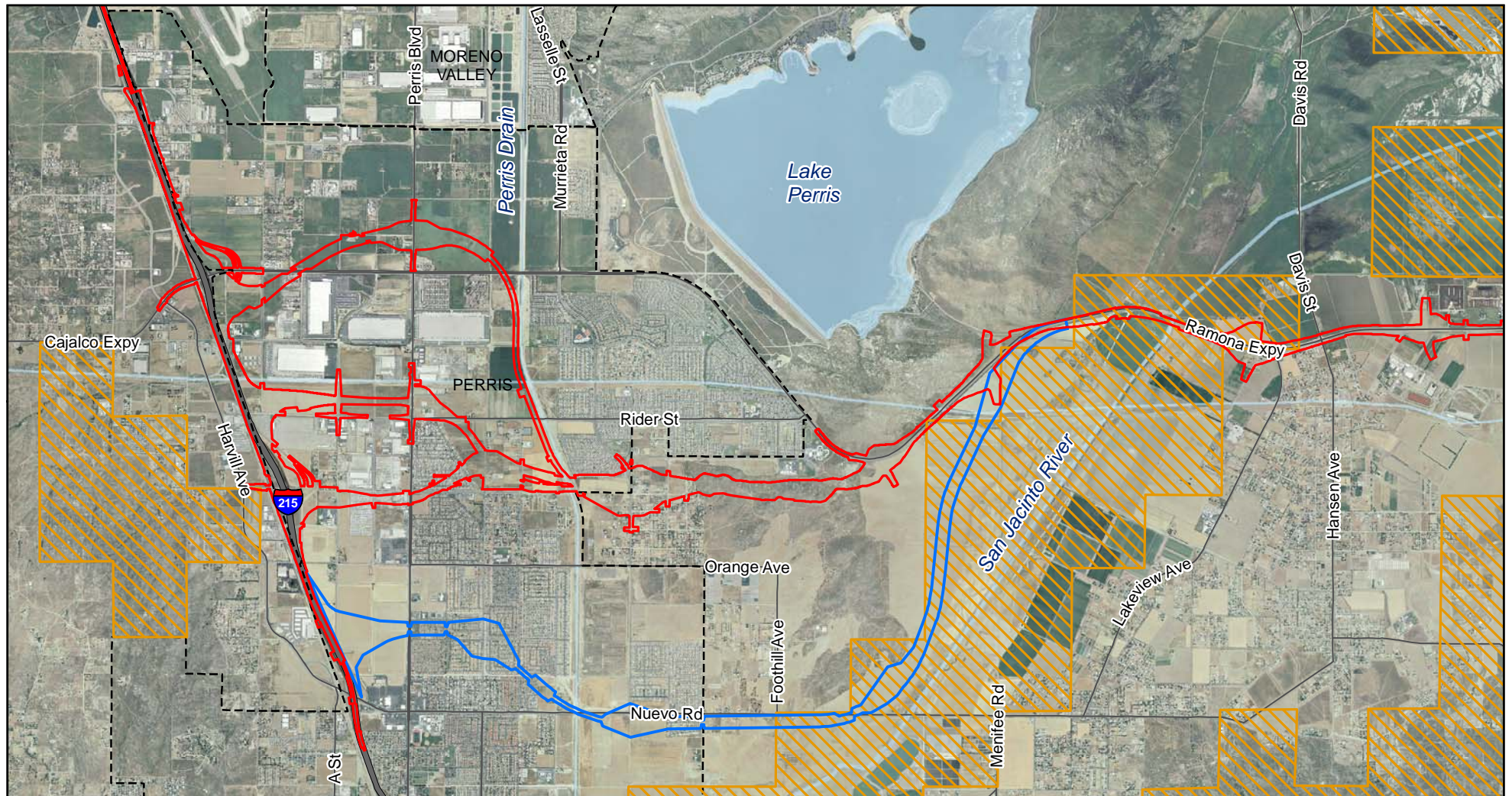


FIGURE 5.3

LEGEND

- ▬ Alternatives 4 Modified, 5 Modified, and 9 Modified
- ▬ Avoidance Alternative 1
- MSHCP Criteria Areas

SOURCE: Eagle Aerial (3/2010); TBM (2010), Jacobs Engineering (02/2011, 11/2012)



0 0.5 1 MILES

Impacts on Western Riverside County MSHCP Lands

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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As shown on Figure 5.4, Avoidance Alternative 1 would impact a substantially larger area in approved Specific Plans with residential, open space, and commercial uses, compared to the MCP Build Alternatives. Avoidance Alternative 1 would bisect the northern part of a large Specific Plan area and would also require the acquisition of substantially more land in that Specific Plan area than the MCP Build Alternatives as shown on Figure 5.4.

As shown on Figure 5.5, Avoidance Alternative 1 would impact substantially more designated Farmlands than the MCP Build Alternatives, particularly along the eastern segment of the alignment. This would include impacts to Prime Farmland and Farmland of Local Importance.

Avoidance Alternative 1 would avoid the use of land from the four Sites and would also avoid the use of land from Perris High School and Copper Creek Park. Those impacts would be more severe than the impacts of the MCP Build Alternatives.

As summarized in Table 5.2, Avoidance Alternative 1 is not prudent because it would result in the acquisition of approximately 550 homes, would increase the project cost by approximately \$83 million, and would impact substantially more existing and General Plan designated Commercial Retail and Residential uses, Western Riverside County MSHCP Criteria Habitats and Designated Farmlands not impacted by the MCP Build Alternatives. As a result, FHWA has made a determination that Avoidance Alternative 1 is not a prudent alternative to avoid the use of land from the Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 as defined by 23 CFR 774.17.

5.3.4 Other Possible Avoidance Alternatives

Avoidance Alternatives 2 and 4 to avoid the Multi-Use Prehistoric Site, discussed earlier in Chapter 4.0, Multi-Use Prehistoric Site, and shown on Figure 4.1, proposed substantial realignments to the north and south, respectively, to avoid impacts to that cultural resources site. Those two Avoidance Alternatives would also avoid impacts to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. However, those alternatives were determined not to be prudent alternatives to avoid the Multi-Use Prehistoric Site because they would not meet the project purpose and, as a result, would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need (one of the criteria at 23 CFR 774.17). Therefore, those avoidance alternatives would also not be prudent alternatives to avoid the four Sites. As a result, those avoidance alternatives were not evaluated further in this section in considering alternatives to avoid Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

5.4 SUMMARY OF CONSIDERATION OF FEASIBLE AND PRUDENT ALTERNATIVES

In summary, as discussed above, although there are feasible avoidance alternatives, FHWA has determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternative 1 would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. FHWA has also determined that Avoidance Alternatives 2 and 4, which would avoid the four Sites as well as the Multi-Use Prehistoric Site, would not be prudent alternatives to avoid the use of land from Sites P-33-19862, P-33-19863, P-33-19864, and

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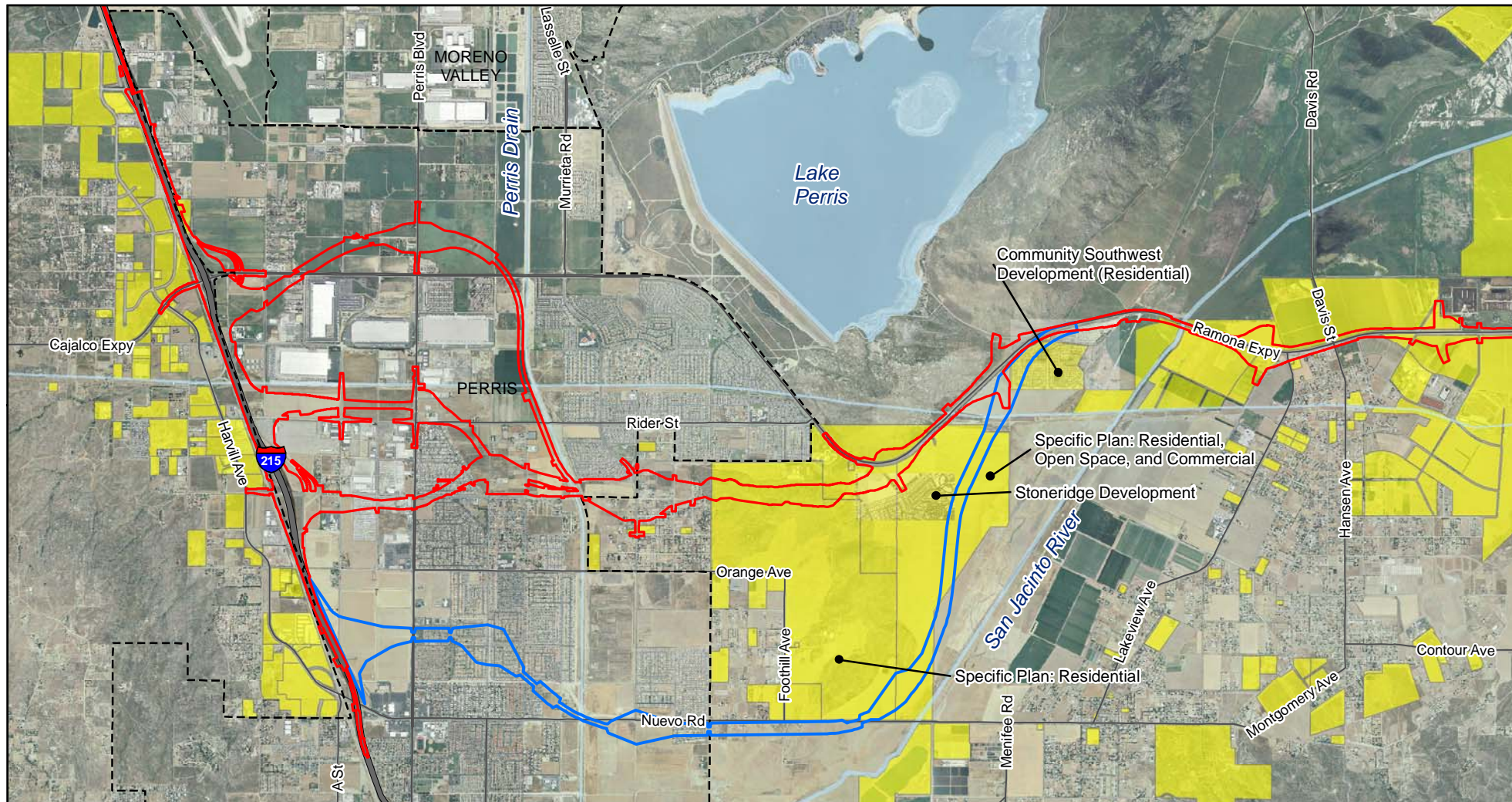


FIGURE 5.4

LEGEND

- Alternatives 4 Modified, 5 Modified, and 9 Modified
- Avoidance Alternative 1
- Approved Development Application

SOURCE: Eagle Aerial (3/2010); TBM (2010), Jacobs Engineering (02/2011, 11/2012)



0 0.5 1 MILES

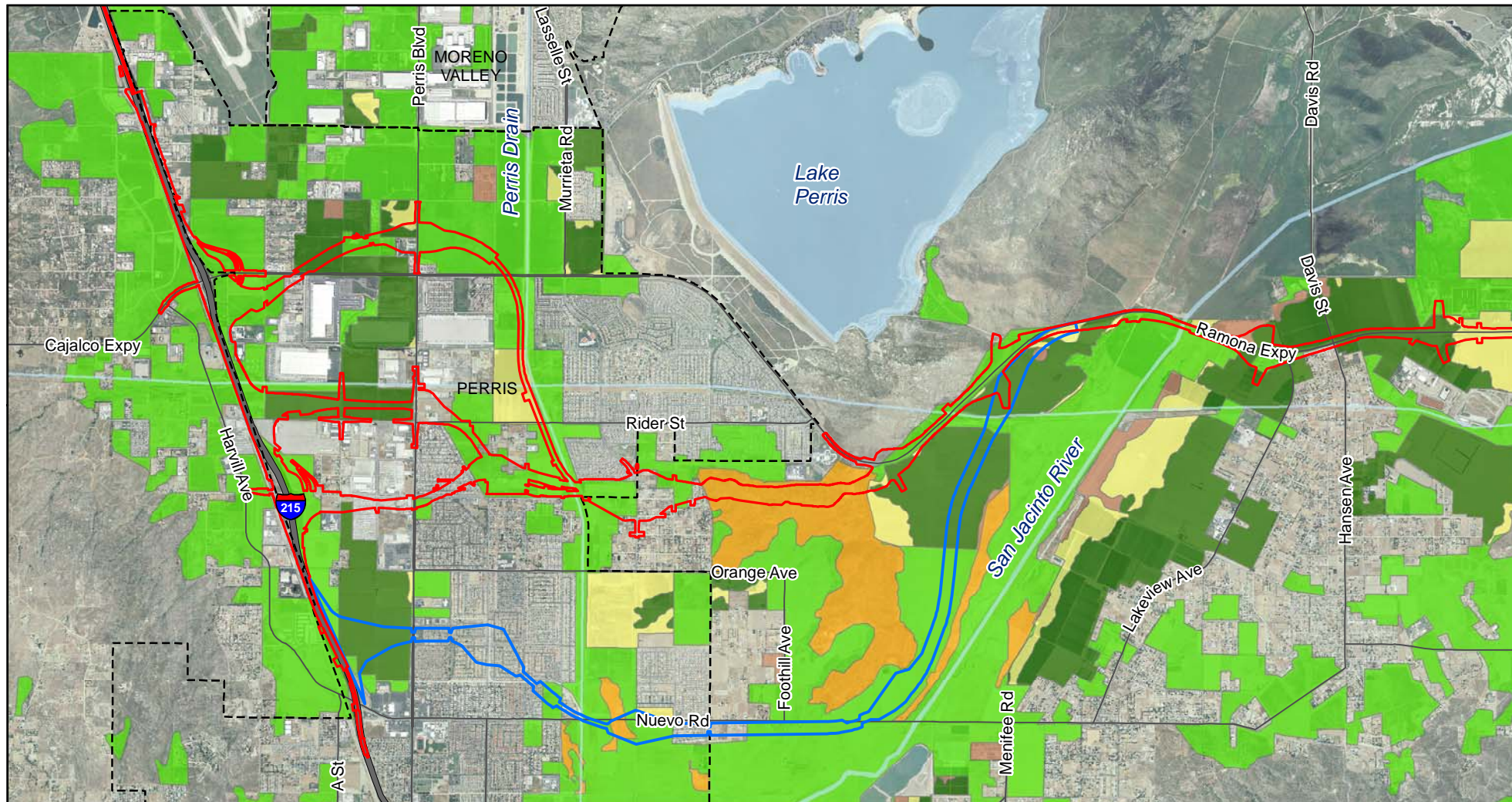
E:\JCV531\GIS_Mod\4F\DraftFigures\FourSites_Avoidance_Alt-Vested_Land_Use.mxd (11/13/2012)

Impacts on Specific Plans

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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LEGEND

- Alternatives 4 Modified, 5 Modified, and 9 Modified
- Avoidance Alternative 1

Farmland

- Prime Farmland
- Farmland of Local Importance

Farmland of Statewide Importance

- Farmland of Statewide Importance
- Grazing Land
- Unique Farmland

FIGURE 5.5

SOURCE: Eagle Aerial (3/2010); TBM (2010), Jacobs Engineering (02/2011, 11/2012); Riverside County/California Department of Conservation (FMMP - 2010)



0 0.5 1 MILES

Impacts on Designated Farmlands

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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P-33-19866. In addition, as discussed earlier in Section 4.6, Summary of Consideration of Feasible and Prudent Alternatives, FHWA has determined that Alternatives 1A No Project/No Build and 1B No Project/No Build, and Avoidance Alternatives 1, 2, 3, 4, and 5 would not be prudent alternatives to avoid the use of land from the Multi-Use Prehistoric Site. As a result, FHWA has determined that there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties.

5.5 LEAST HARM ANALYSIS FOR ALL SECTION 4(F) PROPERTIES

As discussed in Section 5.4, FHWA has determined there is not a feasible and prudent alternative to avoid the use of any and all Section 4(f) properties, including Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Because there is no feasible and prudent avoidance alternative, FHWA may approve, from among the remaining alternatives that use Section 4(f) property, only the alternative that causes the least overall harm in light of the statute's preservation purpose. This analysis is required when multiple alternatives that use Section 4(f) property remain under consideration. Refer to Section 4.7, Least Harm Analysis for All Section 4(f) Properties, for that analysis for all the Section 4(f) properties used by the Build Alternatives, including Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Based on the analysis of the Build Alternatives for seven specific factors, as shown in Table 4.6, there is no difference in the net harm that the three Build Alternatives would cause to Section 4(f) properties under factors 1, 2, 3 and 4. All three Build Alternatives meet the project purpose and need (factor 5), and Alternative 9 Modified performs better on issues beyond Section 4(f) (factors 6 and 7) than the other two Build Alternatives.

5.6 MEMORANDUM OF AGREEMENT

Based on the *Findings of Effect* (November 2012), FHWA determined that the MCP Build Alternatives would have an adverse effect on Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866 as a result of the permanent use of the land occupied by these Sites. The SHPO concurred on this determination on January 8, 2013. As described earlier in Section 4.7, Memorandum of Agreement, FHWA, the California Department of Transportation (Caltrans), the SHPO, and interested Native American Tribes were involved in a consultation process to identify and develop measures to minimize and mitigate the effects of that permanent use of land in the four Sites by the MCP project. As the local project sponsor, RCTC also participated in the ongoing consultation regarding measures to address the project effects at Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

That ongoing consultation led to a MOA between FHWA and SHPO, with Caltrans and RCTC as Invited Signatories to the MOA, and nine Native American Tribes invited to sign as Concurring Parties to the MOA. Refer to Section 4.7 for a description of the MOA and the attachments to the MOA.

5.7 MEASURES TO MINIMIZE HARM AT SITES P-33-19862, P-33-19863, P-33-19864, AND P-33-19866

In the Recirculated Draft EIR/Supplemental Draft EIS (January 2013), this section of the Draft Section 4(f) Evaluation included discussion of the MOA proposed to be developed for Sites 33-

19862, 33-19863, 33-19864, and 33-19866. Refer to Section 3.8.2.5, Memorandum of Agreement, in this Final EIR/EIS, for discussion regarding the MOA that was developed for the MCP project. Because that MOA has been developed and the measures to address the adverse effects of the Build Alternatives on these sites modified/expanded based on that MOA, the MOA itself no longer needs to be discussed in this measures to minimize harm section. The MOA is provided in Appendix U of this Final EIR/EIS. The measures included in the MOA to mitigate adverse effects of the MCP project on cultural resources, including Sites 33-19862, 33-19863, 33-19864, and 33-19866, include Measures CUL-1, and CUL-3 through CUL-7 in Section 4.9, Measures to Minimize Harm, earlier in this Final Section 4(f) Evaluation and Measure CUL-2, below. These measures represent all possible planning to minimize harm to all the Section 4(f) properties used by the Build Alternatives, including Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866.

CUL-2 **Bedrock Milling Surface Residue Analysis.** As stipulated in Section IV.B in the MOA, prior to construction activities at Sites 33-19862, 33-19863, 33-19864, and 33-19866, the RCTC will conduct residue analysis from each bedrock milling surface within the four (4) sites. The results will be reported in the Final Monitoring Report and incorporated into the Cultural Landscape Study as appropriate.

6.0 COORDINATION ON SECTION 4(f) PROPERTIES

6.1 COORDINATION ON HISTORIC PROPERTIES

As discussed in Chapter 5.0, Comments and Coordination, in the Environmental Impact Report/Environmental Impact Statement, the Federal Highway Administration, the California Department of Transportation, and the Riverside County Transportation Commission engaged in extensive Native American consultation with representatives of the respective consulting Tribes to discuss avoidance and minimization of the project impacts to the P-33-16598 (CA-RIV-8712) Multi-Use Prehistoric Site and to Sites P-33-19862, P-33-19863, P-33-19864, and P-33-19866. Consultation was initiated early in 2004 per the Section 106 process. Coordination with Tribal representatives was conducted via letters, faxes, emails, phone calls, in-the-field meetings, and off-site meetings. Opportunities to review fieldwork proposals as well as on-site monitoring were also extended to interested Tribes prior to the survey work. The Native American consultation is discussed in detail in the Historic Property Survey Report and the Findings of Effect (November 2012) for the Mid County Parkway project.

On April 29, 2014, FHWA transmitted a proposed Memorandum of Agreement (MOA) to the SHPO. On July 2, 2014, the SHPO provided draft comments to FHWA on the proposed Discovery and Monitoring Plan. On July 9, 2014, the SHPO provided draft comments to FHWA on the proposed MOA. On July 9, 2014, a meeting was held between the staff of the SHPO, FHWA, Caltrans, RCTC, and the MCP project consultants to discuss the SHPO's comments on the proposed MOA and Discovery and Monitoring Plan and how they should be addressed. After providing the revised MOA (including all supporting attachments) to the Native American Tribes for a 14-day review period, FHWA transmitted the revised MOA to SHPO on September 18, 2014. On October 30, 2014, the SHPO indicated that they concurred with the revised MOA.

In early 2015, FHWA initiated consultation with SHPO under Section 4(f) regarding the historic properties evaluated in detail in the Final Section 4(f) Evaluation. In February 2015, SHPO indicated that the agency would review the Final Section 4(f) Evaluation during the 30-day public availability period for the Final EIS. SHPO's comments and/or concurrence with FHWA's determinations in the Final Section 4(f) Evaluation will be documented in FHWA's Record of Decision for the MCP project.

6.2 COORDINATION WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR

The Recirculated Draft EIR/Supplemental Draft EIS (January 2013) was provided to the United States Department of the Interior (DOI) for review and coordination under Section 4(f). The DOI comment letter (March 11, 2013) on the Recirculated Draft EIR/Supplemental Draft EIS states: "Following our review of the Section 4(f) Evaluation, the Department concurs that there is no feasible and prudent alternative to the proposed use of Section 4(f) properties and that all measures have been taken to minimize harm to these resources." A copy of the DOI concurrence letter is provided in Attachment B, Consultation Correspondence.

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7.1 REFERENCES

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City of Perris website www.cityofperris.org/.

7.1.2 City of San Jacinto

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7.1.5 Persons Contacted for the Section 4(f) Evaluation

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ATTACHMENT A

**RESOURCES EVALUATED RELATIVE TO THE
REQUIREMENTS OF SECTION 4(f)**

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ATTACHMENT A

RESOURCES EVALUATED RELATIVE TO THE REQUIREMENTS OF SECTION 4(f)

A.1 INTRODUCTION

This section of the document discusses parks, recreational facilities, wildlife refuges, and historic properties found within or adjacent to the project area that do not trigger Section 4(f) protection because:

1. They are not publicly owned,
2. They are not open to the public,
3. They are not eligible historic properties,
4. The project does not permanently use the property and does not hinder the preservation of the property, or
5. The proximity impacts do not result in constructive use.

As a result, the resources listed in Table A.1 and shown on Figure A.1 were determined not to trigger protection under the requirements of Section 4(f). The figures cited in this appendix are provided following the last page of Table A.1.

The properties shown on Figure A.1 are not within the right-of-way limits for the Mid County Parkway (MCP) Build Alternatives. Table A.1 describes the location of each property in relation to the right-of-way limits for the Build Alternatives and explains why those alternatives do not result in the permanent or temporary use of land from those properties that would trigger the requirements for protection under Section 4(f).

The properties described in Table A.1 were further evaluated to determine whether the MCP Build Alternatives would result in constructive use of those properties. The detailed analyses related to access, visual and aesthetics, air quality, and noise provided in Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures, of the Supplemental EIR/EIS were reviewed. That review did not identify any proximity impacts resulting from the MCP Build Alternatives that would be so severe that the activities, features, or attributes that qualify those properties for protection under Section 4(f) would be substantially impaired. Therefore, as explained in Table A.1, the MCP Build Alternatives would not result in constructive use of these properties and would not trigger the requirements for protection under Section 4(f).

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Parks and Other Recreation Resources	
<p>Lake Perris State Recreation Area. This Recreation Area is owned and operated by the State of California Department of Parks and Recreation. It is located at 17801 Lake Perris Drive in the city of Perris. Resources include group and family camp sites, beaches and swimming (Moreno and Perris Beaches), scuba diving, water skiing, boat launches and boating, marina, fishing, hiking, biking and horse trails, rock climbing, 300 picnic sites with tables and grills, the Ya'i Heki' Regional Indian Museum, wheelchair-accessible guided tours, windsurfing, food services, restrooms, a recreational vehicle dump station, recreational vehicle hookups, and showers.</p>	<p>This Recreation Area is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Recreation Area by any MCP Build Alternative. No TCEs or permanent surface, aerial, or subsurface easements are proposed within the boundary of this Recreation Area under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Recreation Area under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 255 ft from the boundary of this Recreation Area (Alternatives 4 Modified, 5 Modified, and 9 Modified). Based on the distance of this Recreation Area from the alignment of the MCP Build Alternatives, those Alternatives would not result in proximity impacts on the Recreation Area related to long-term noise or short- and long-term visual and aesthetics. Potential proximity impacts related to short-term noise and dust during construction would be substantially mitigated.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on this Recreation Area related to air quality.</p> <p>During construction, access in the vicinity of this Recreation Area would be maintained. If temporary road closures are necessary on Ramona Expressway and/or Bernasconi Road, detours would be provided to ensure that visitors can access the Recreation Area during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic circulation or access impacts on this Recreation Area because access to this area would be maintained in the long term during project operations. Specifically, the existing access point at Bernasconi Road/Ramona Expressway would be replaced with an MCP Build Alternative/Bernasconi Road interchange to maintain access to the surrounding areas, including the Recreation Area. Residents living south of the existing Ramona Expressway would be able to access the Recreation Area via the new Bernasconi Road bridge at the MCP Build Alternative/Bernasconi Road interchange. As a result, the MCP Build Alternatives would not result in proximity impacts on this Recreation Area related to traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Recreation Area would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Recreation Area.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Liberty Park. This Park is owned and operated by the City of Perris. It is located at the corner of Evans Road and Kestrel Gate. This 9 ac Park includes two tot lots, picnic tables, a walkway, a large open turf area, restrooms, and off-street parking.</p>	<p>Alternative 4 Modified would not result in the permanent use of any land from Liberty Park and would not require the use of any land from Liberty Park for TCEs. Alternatives 4 Modified, 5 Modified, and 9 Modified would not result in any permanent surface, aerial, or subsurface easements at Liberty Park.</p> <p>Alternatives 5 Modified and 9 Modified would not result in the permanent use of any land from Liberty Park but would require the use of land from Liberty Park for TCEs during construction of a retaining wall in the MCP right of way, immediately south of the south side of the park, as follows and as shown on Figures A.2 and A.3:</p> <ul style="list-style-type: none"> • Alternative 5 Modified: 0.011 ac for a TCE (Figure A.2) • Alternative 9 Modified: 0.097 ac for a TCE (Figure A.3) <p>For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if each of the following five conditions is met [23 CFR 774.13(d)]:</p> <ol style="list-style-type: none"> a. Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land; b. Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal); c. There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis; d. The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and e. There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. <p>The TCEs for the construction of the retaining wall in the MCP right of way immediately south of the south side of Liberty Park under Alternatives 5 Modified and 9 Modified meet these conditions as follows:</p> <ul style="list-style-type: none"> • The duration of construction for the retaining wall would be approximately 3 months, which is substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of the retaining wall. • The scope of work is very minor and would be limited to the construction of the footings of the walls and the walls themselves. The footings and walls would not result in changes to the parts of Liberty Park used for active and passive recreation activities. • The construction of the footings and the walls would not result in any permanent adverse physical impacts to Liberty Park and would not interfere with the protected activities, features, or attributes of Liberty Park on either a temporary or permanent basis.

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Liberty Park (continued)	<ul style="list-style-type: none"> • The land being used for the TCEs would be returned to a condition that is at least as good as that which existed prior to the project. • There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions. <p>Because the TCEs proposed in Alternatives 5 Modified and 9 Modified meet all five criteria, those TCEs do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs for the construction of the walls adjacent to Liberty Park under Alternatives 5 Modified and 9 Modified.</p> <p>This Park would experience short- and long-term visual impacts and short-term construction noise and dust impacts, all of which would be substantially mitigated. This park would not experience long-term noise impacts.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Liberty Park related to air quality.</p> <p>During construction of the MCP Build Alternatives, access to Liberty Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the park during those temporary road closures. Alternative 4 Modified would not result in long-term traffic circulation or access impacts on Liberty Park because access to this Park on existing roads would be maintained in the long term during operations under this Alternative. Alternatives 5 Modified and 9 Modified include a cul-de-sac on Old Evans Road adjacent to Liberty Park and would eliminate the intersection of Old Evans Road/Evans Road. These modifications are shown on Figures A.2 and A.3 for Alternatives 5 Modified and 9 Modified, respectively. These modifications would not result in long-term traffic or access impacts because Old Evans Road would continue to provide access to the Park from Kestrel Gate. The Evans Road pedestrian crossing at Old Evans Road would be shifted south approximately 400 ft to the intersection of the westbound MCP ramps at Evans Road. Alternatives 5 Modified and 9 Modified would also include closure of the intersection at Sparrow Way/Evans Road; access for that neighborhood would be provided via Whimbrel Way to Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Liberty Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Liberty Park (continued)	<p>RCTC has consulted with the City of Perris regularly since the initiation of project studies in 2004. RCTC initiated formal consultation with the City of Perris regarding Liberty Park by letter dated June 7, 2012 (see Attachment B). <u>In a letter dated December 26, 2103, FHWA initiated formal consultation with the City of Perris regarding the temporary use of land from Liberty Park during construction of the MCP project. On February 20, 2014, the City provided written concurrence that the use of land from Liberty Park during the project construction would not adversely affect the activities, features, and attributes that qualify Liberty Park for protection under Section 4(f) and, as a result, Section 4(f) would not apply. The December 26, 2013 FHWA letter with the City's written concurrence is provided in Attachment B, Consultation Correspondence.</u></p>
<p>Paragon Park. This Park is owned and operated by the City of Perris. It is located at 264 Spectacular Bid Street. This is a 14.1 ac community park with portable restrooms, approximately 30 off-street parking spaces, two lighted tennis courts, one full basketball court, two handball walls, a tot lot, one barbeque, open space, and three picnic shelters. Vehicle and pedestrian access to this Park is provided via Spectacular Bid Street, Redlands Avenue, and Placentia Avenue.</p>	<p>This Park is in the MCP Study Area and also in the vicinity of the right of way limits for the MCP Build Alternatives, but there is no permanent use of this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 120 ft from the boundary of this Park (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 1,000 ft from this Park. This park would experience short-term visual, noise, and dust impacts during construction, all of which would be substantially mitigated. This park would not experience long-term noise or visual impacts.</p> <p>Based on the detailed modeling and analyses in the Air Quality Analysis (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM2.5, or PM10; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to air quality.</p> <p>During construction of the MCP Build Alternatives, access to Paragon Park would be maintained. If temporary road closures are necessary in the vicinity of this park, detours would be provided to ensure that visitors can access the park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Paragon Park because access to the park would be maintained during project operations. Neighborhoods north of Placentia Avenue use Lakeview Drive, Perris Boulevard, or Spokane Street to access Placentia Avenue adjacent to Paragon Park. Under the MCP Build Alternatives, some residents would no longer have direct access to Placentia Avenue via Lakeview Drive or Spokane Street; those residents would be able to use Perris Boulevard to Placentia Avenue to access Paragon Park. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at Paragon Park would not substantially impair the protected activities,</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Morgan Park. This Park is owned and operated by the City of Perris. It is located at 600 Morgan Street. This Park includes a lighted soccer field, a snack bar, picnic tables, basketball courts, barbeques, a playground/tot lot, and restrooms.</p>	<p>features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this park.</p> <p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 420 ft from this Morgan Park (Alternative 4 Modified). This Park would experience short- and long-term visual impacts and short-term noise impacts, all of which would be substantially mitigated. This Park would not experience short- or long-term air quality impacts or long-term noise impacts.</p> <p>During construction of the MCP Build Alternatives, access to Morgan Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in traffic or access impacts on Morgan Park because access to this Park would be maintained in the long term during operations of Alternatives 4 Modified, 5 Modified, and 9 Modified. As a result, the MCP Build Alternatives would not result in proximity impacts on Morgan Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>
<p>Frank Eaton Memorial Park. This Park is owned and operated by the City of Perris. It is located at 3600 Bradley Road. This 4.4 ac mini-park includes portable restrooms, off-street parking, four picnic tables, one picnic shelter, barbeques, tot lot and playground, basketball court, a baseball/softball field, and one water fountain.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 4,600 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Frank Eaton Memorial Park related to changes in traffic circulation and access.</p> <p>Based on the distance of this Park from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>May Ranch Park. This Park is owned and operated by the City of Perris. It is located at 3033 Poppy Court. This approximately 8 ac neighborhood park includes portable restrooms, approximately 35 off-street parking spaces, 11 picnic tables, one picnic shelter, four barbeques, a tot lot, two benches, one full basketball court, two softball fields, one practice field/passive space, and one water fountain.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 700 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This Park would experience short- and long-term visual impacts, which would be partially mitigated. This park would not experience short- and long-term air quality or noise impacts.</p> <p>During construction of the MCP Build Alternatives, access to May Ranch Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at May Ranch Park because access to the Park would be maintained during project operations. Some residents living south of Placentia Avenue may currently use Eureka Avenue or El Nido Avenue to access this Park. Eureka Avenue and El Nido Avenue would not cross the alignments of the MCP Build Alternatives; residents who currently use those streets to access the Park would be able to access the Park via Redlands Boulevard at its crossing of the MCP. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</p>
<p>Copper Creek Park. This Park is owned and operated by the City of Perris. It is located at 217 Citrus Avenue. This 7.4 ac park includes a half-court basketball court, passive/practice areas, two tot lots, two barbeques, one drinking fountain, four picnic tables, one picnic shelter, and restrooms.</p>	<p>This Park is outside the MCP Study Area and right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 3,300 ft from this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Copper Creek Park related to changes in traffic circulation and access.</p> <p>Based on the distance of this Park from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Colonel Lewis Millett Park. This Park is owned and operated by the City of San Jacinto. It is located at 2001 Ramona Boulevard. It is named after Colonel Millett, who was awarded the Congressional Medal of Honor for activities during the Korean War. This 5.8 ac park includes a lighted soccer field, restrooms, a basketball court, one ball field backstop, and a tot lot.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 450 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This park would experience short- and long-term visual impacts and short-term noise impacts, all of which would be substantially mitigated. This Park would not experience short- or long-term air quality impacts or long-term noise impacts.</p> <p>During construction of the MCP Build Alternatives, access to Colonel Lewis Millett Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Colonel Lewis Millett Park because access to the Park would be maintained during project operations. As a result, the MCP Build Alternatives would not result in proximity impacts on Colonel Lewis Millett Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</p>
<p>San Jacinto Wildlife Area. This Wildlife Area is owned by the State of California and is operated by the California Department of Fish and Wildlife. It is located at 17050 Davis Road in Lakeview, generally east of and immediately adjacent to the Lake Perris State Recreation Area, and north of the Ramona Expressway. This Wildlife Area totals approximately 20,000 ac of wildlife habitat. Plant communities in the Wildlife Area include alkali sink scrub, freshwater marsh, cottonwood/willow riparian habitat, alluvial grassland, Riversidean sage scrub, and wetlands. Approximately 9,000 ac in the Wildlife Area are restored wetlands, including ponds in the Potrero Creek Conservation Unit.</p> <p>Activities in the San Jacinto Wildlife Area include watching birds and other wildlife; hiking; nature walks and field trips to see birds, plants, wildflowers, and bugs; and hunting for waterfowl and upland game</p>	<p><u>The Alternatives 4, 5, and 9 Modified alignments evaluated in the Recirculated Draft EIR/Supplemental Draft EIR (January 2013) would have resulted in the permanent incorporation of approximately 3.4 acres of land from the San Jacinto Wildlife Area into the MCP facility. In an email dated March 14, 2014 (included in Attachment B, Consultation Correspondence), CDFW expressed substantial concerns related to the use of the 3.4 acres of land from the San Jacinto Wildlife Area to accommodate the MCP facility. As a result, FHWA and RCTC developed a refinement to the alignment of the preferred alternative (Alternative 9 Modified with the SJRB DV) that shifted the alignment approximately 1.5 miles to the south, to fully avoid the permanent incorporation of any land from the San Jacinto Wildlife Area into the MCP facility. As a result, the San Jacinto Wildlife Area is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Wildlife Area by any MCP Build Alternative. No TCEs or permanent surface, aerial, or subsurface easements are proposed within the boundary of this Wildlife Area under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Wildlife Area under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</u></p> <p>This Wildlife Area is immediately north of Ramona Expressway. Alternatives 4 Modified, 5, Modified, and 9 Modified would be aligned</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>(hunting permits required). The only access to the San Jacinto Wildlife Area is via the Ramona Expressway to Davis Road on the south side of the San Jacinto Wildlife Area. The CDFG headquarters, parking, an information kiosk, restrooms, and shaded picnic tables are located in the San Jacinto Wildlife Area on Davis Road approximately 2.5 mi north of the Ramona Expressway. The San Jacinto Wildlife Area is open 7 days per week from dawn to dusk. There is a self-guided automobile tour through the San Jacinto Wildlife Area, with an information guide that explains what can be seen at each of the seven stops along the tour.</p>	<p>along part of the segment of Ramona Expressway adjacent to the Wildlife Area. As a result, that part of the Wildlife area could experience short-term visual, noise, and dust impacts during construction, all of which would be substantially mitigated. This Wildlife Area would not experience long-term noise or visual impacts substantially different than the existing effects along Ramona Expressway. As a result, the MCP Build Alternatives would not result in proximity impacts on the Wildlife Area related to long-term noise or short- and long-term visual and aesthetics effects.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on this Wildlife Area related to air quality.</p> <p>During construction, access in the vicinity of this Wildlife Area would be maintained. If temporary road closures are necessary on Ramona Expressway and/or Bernasconi Road, detours would be provided to ensure that visitors can access the Wildlife Area during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic circulation or access impacts on this Wildlife Area because access to this area would be maintained in the long term during project operations. As a result, the MCP Build Alternatives would not result in proximity impacts on this Wildlife Area related to traffic circulation and access.</p> <p>Compliance with the Western Riverside County MSHCP and other measures provided in the EIR/EIS address the potential short- and long-term edge impacts of the MCP Build Alternatives on the San Jacinto Wildlife Area. Those measures are described in detail in Attachment C, Measures Applicable in the Vicinity of the San Jacinto Wildlife Area.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Wildlife Area would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Wildlife Area.</p>
<p>Val Verde High School. This School is owned and operated by Val Verde Unified School District. It is located at 972 West Morgan Street in the city of Perris. This School has one soccer practice field, one gymnasium, two full basketball courts, one softball field, and two volleyball courts.</p>	<p>Publicly Owned Schools</p> <p>This School is in the MCP Study Area and partially within the right of way limits for the MCP Build Alternatives. As shown on Figures A.4 and A.5, Alternatives 4 Modified and 5 Modified would result in the permanent use of 0.42 and 0.53 ac, respectively, of land from this school property. However, the property that would be acquired for the MCP Build Alternatives from this School does not include any recreation uses. Therefore, there is no use of this School under Alternatives 4 Modified and 5 Modified that would trigger the requirements for protection under Section 4(f). Alternative 9 Modified would not result in the permanent use of land from Val Verde High School.</p> <p>Alternative 4 Modified would require the use of 0.18 ac of land at Val Verde High School for use as a TCE during construction. The area proposed to be used as a TCE is on the west side of the high school</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<u>Val Verde High School (continued)</u>	<p>property and would not include any areas used for recreation. For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if the following five conditions are all met (23 CFR 774.13(d)):</p> <p>Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land;</p> <p>Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal);</p> <p>There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis;</p> <p>The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project); and</p> <p>There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.</p> <p>The TCE for the construction of the MCP Build Alternatives west of Val Verde High School under Alternative 4 Modified meets these conditions as follows:</p> <p>The duration of construction for Alternative 4 Modified at this location would be approximately 4 months, substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of Alternative 4 Modified in this area.</p> <p>The scope of work for Alternative 4 Modified west of the high school property is substantial; however, the actual work in the area of the TCE is limited. The TCE is proposed to allow for the operation of construction equipment/vehicles and materials storage immediately adjacent to the active construction areas. These activities would not result in changes to the parts of the high school property used for active and passive recreation activities.</p> <p>The construction activities for Alternative 4 Modified west of the high school property would not result in any permanent adverse physical impacts to the high school property, or any part of that property used for recreation, and would not interfere with the protected activities, features, or attributes of Val Verde High School on either a temporary or permanent basis.</p> <p>The land being used for the TCE would be returned to a condition that is at least as good as that which existed prior to the project at the completion of the construction for Alternative 4 Modified in this area.</p> <p>There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.</p> <p>Because the TCE proposed in Alternative 4 Modified meets all five criteria, that TCE does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at Val Verde High School under Alternative 4 Modified. If Alternative 4 Modified is selected as the preferred alternative following public review of the Recirculated Draft EIR/Supplemental Draft EIS (January 2013), then the</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<u>Val Verde High School (continued)</u>	<p>Val Verde School District would be requested to provide a letter documenting their concurrence with these conclusions.</p> <p>Alternatives 5 Modified and 9 Modified would not require the use of any land from Val Verde High School for use as a TCE. Alternatives 4 Modified, 5 Modified, and 9 Modified would not result in any permanent surface, subsurface, or aerial easements at Val Verde High School.</p> <p>This high school would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School related to air quality.</p> <p>During construction of Alternative 4 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 4 Modified would remove Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. Access to the high school property, including the areas used for recreation, would be maintained during construction of Alternative 4 Modified via Morgan Street and Webster Avenue.</p> <p>During construction of Alternative 5 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 5 Modified would remove East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. Access to the high school property, including areas used for recreation, would be maintained during construction of Alternative 5 Modified via Morgan Street and Webster Avenue.</p> <p>During construction of Alternative 9 Modified, access to Val Verde High School would be maintained. If temporary road closures are necessary in the vicinity of the high school, detours would be provided to ensure that visitors using the recreation areas on the high school property can access that part of the property during those temporary road closures.</p> <p>Alternative 4 Modified would result in the permanent removal of Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. However, this would not result in long-term traffic impacts because although access via Nevada Road would no longer be provided, access to the high school property, including the areas used for recreation, would be available via East Frontage Road, Morgan Street, and Webster Avenue.</p> <p>Alternative 5 Modified would result in the permanent removal of East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Val Verde High School (continued)	<p>longer be provided, access to the high school property including areas used for recreation, would be available from Nevada Avenue, Morgan Street, and Webster Avenue.</p> <p>Alternative 9 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the high school, including areas used for recreation, would continue to be available via Nevada Avenue, Morgan Street, Webster Avenue, and East Frontage Road.</p> <p>In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School and the recreation resources at that school related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p> <p>These conclusions will be reviewed with the Val Verde High School District during the public review period for the Recirculated Draft EIR/Supplemental Draft EIS (January 2013), and a formal letter documenting the District's concurrence with these conclusions would be requested from the District at that time. RCTC has consulted with the District regularly since the initiation of project studies in 2004. RCTC initiated formal consultation with the District regarding the use at Val Verde High School by letter dated June 7, 2012 (see Attachment B).</p>
<p>Val Verde Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 2656 Indian Avenue in the city of Perris. This School has one softball field with a backstop, one soccer field, open space, 12 basketball half-courts, and a play structure.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is adjacent to the boundary of this School (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 500 ft from this Park. This School would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School related to air quality.</p> <p>During construction of the MCP Build Alternatives, access to the elementary school property would be maintained, including access to the areas on the property used for recreation. If temporary road closures are</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Val Verde Elementary School (continued)	<p>necessary in the vicinity of this School, detours would be provided to ensure that visitors using the recreation areas on the school property can access that part of the property during those temporary road closures.</p> <p>Alternatives 4 Modified and 5 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the elementary school, including areas used for recreation, would continue to be available via Indian Avenue, East Frontage Road, and Water Avenue.</p> <p>Alternative 9 Modified would result in the permanent removal of East Frontage Road north of Water Avenue. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the elementary school property, including the areas used for recreation, would be available via Indian Avenue and Water Avenue.</p> <p>In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School and the recreation resources at that school related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>
Triple Crown Elementary School. This School is owned by and operated by Val Verde Unified School District. It is located at 530 Orange Avenue in the city of Perris.	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is more than 2,000 ft from the boundary of this School (Alternative 9 Modified).</p> <p>No short- or long-term traffic impacts would occur at Triple Crown Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Triple Crown Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
May Ranch Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 900 East Morgan Street in the city of Perris.	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>May Ranch Elementary School (continued)</p>	<p>Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is nearly 2,000 ft from the boundary of this School. This School would experience short-term noise impacts during construction, which would be partially mitigated. This School would not experience long-term noise impacts, or short- and long-term visual and air quality impacts. No short- or long-term traffic impacts would occur at May Ranch Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Elementary School related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>
<p>Southwest High School. This School is owned and operated by Val Verde Unified School District. It is located at 1400 Orange Avenue in the City of Perris.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed at this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is more than 1,200 ft from the boundary of this School. No short-term traffic impacts would occur at Southwest High School because access to the School would be maintained during construction, and the nearest project features are a substantial distance from the School. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Southwest High School, including users of the recreation uses on the property, would still be able to access the School, including areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Southwest High School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Avalon Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 1815 East Rider Street in the city of Perris. This School has two softball fields with backstops.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 2,160 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Avalon Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Avalon Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
<p>Sierra Vista Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 20300 Sherman Road in the city of Perris. This School has two softball fields with backstops, eight basketball half-courts, and a tot lot.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is nearly 200 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated. This School would not experience long-term noise impacts.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to air quality.</p> <p>No short-term traffic impacts would occur at Sierra Vista Elementary School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Sierra Vista Elementary School, including users of the recreation uses on the property, would still be able to access the School, including the areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Sierra Vista Elementary School (continued)	<p>not result in proximity impacts on Sierra Vista Elementary School related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>
<p>Lakeside Middle School. This School is owned and operated by Val Verde Unified School District. It is located at 27720 Walnut Avenue in the city of Perris. This School has one soccer practice field with running track, seven full basketball courts, and one softball field.</p>	<p>This School is in the MCP Study Area and is in the immediate vicinity of the right of way for the MCP Build Alternatives. However, there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The MCP Build Alternatives are adjacent to the boundary of this School. This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated. This School would not experience long-term noise impacts.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to air quality.</p> <p>No short-term traffic impacts would occur at Lakeside Middle School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Lakeside Middle School, including users of the recreation uses on the property, would still be able to access the School property, including the area used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Nuview Elementary School. This School is owned and operated by Nuview Union School District. It is located at 29680 Lakeview Avenue in the city of Nuevo.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is nearly 5,000 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Nuview Elementary School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Nuview Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
<p>Mountain Shadows Middle School. This School is owned and operated by Nuview Union School District. It is located at 30401 Reservoir Avenue in the city of Nuevo. This School has a softball field, a track, and open space.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 900 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Mountain Shadows Middle School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Mountain Shadows Middle School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Valley View Elementary School. This School is owned and operated by Nuview Union School District. It is located at 21220 Maurice Street in the city of Nuevo.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 9,000 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Valley View Elementary School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Valley View Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
<p>Nuview Bridge Early College High School. This School is owned and operated by Nuview Union School District. It is located at 30401 Reservoir Avenue, in the city of Nuevo.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is nearly 900 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Nuview Bridge Early College High School because access to the School would be maintained, and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Nuview Bridge Early College High School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>

Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
Lands Managed by the United States Department of the Interior, Bureau of Land Management	
BLM-Managed Lands in the Lakeview Mountains. The BLM owns and manages lands across California for a variety of purposes, including for the protection of sensitive plant and animal species. There are several parcels of BLM-managed lands in the general vicinity of the alignments of the MCP Build Alternatives as shown on Figure A.1.	The nearest right of way for the MCP Build Alternatives is approximately 0.7 mi from the boundary of the nearest BLM-managed lands, on the west side of I-215 as shown on Figure A.1. Several other parcels are between 0.9 and 3.0 mi from the nearest right of way of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not substantially impair the protected activities, features, or attributes of these resources in terms of their Section 4(f) significance and, therefore, would not result in a constructive use of any BLM-managed lands.
Cultural Resources	
P33-11265 Colorado River Aqueduct. Public water conveyance system owned by the Metropolitan Water District of Southern California.	The Colorado River Aqueduct is underground (approximately 8 ft deep) at the location where the alignment of the MCP Build Alternatives crosses the alignment of the Colorado River Aqueduct. The Colorado River Aqueduct is outside the vertical APE for the MCP project and it was concluded in the cultural resources studies that the construction and operation of the MCP Build Alternatives would not impact the Colorado River Aqueduct under Section 106. As a result, the requirements for protection under Section 4(f) are not triggered by the MCP Build Alternatives at the Colorado River Aqueduct.
Trails	
On- and Off-Street Trails Designated in the General Plans of the Cities of Perris and San Jacinto and the County of Riverside. Various public agencies and private parties	As shown on Figure A.6, there are a number of General Plan-designated trails in the MCP Study Area. Class I trails are trails that are in dedicated rights of way for use by pedestrians, bicyclists, and/or equestrians. As shown on Figure A.6, the local General Plans have designated two Class I trails in the MCP Study Area: one parallel to the entire length of the Ramona Expressway shown on the figure; and the second along the San Jacinto River, crossing the Ramona Expressway west of Lakeview Avenue. There is also a wide range of other types of trails, including bicycle facilities within public street rights of way, designated in this area in the local General Plans as shown on Figure A.6. The MCP Build Alternatives are parallel to or cross many of the trails. The final design of the selected MCP Build Alternative would accommodate all existing off-street trails at their crossings of the MCP alignment. The MCP Build Alternatives would not impact the trail segments that are generally parallel to the MCP alignments. Therefore, the MCP Build Alternatives would not result in proximity impacts to trails.

Source: LSA Associates, Inc. (2012).

ac = acre/acres

APE = area of potential effects

BLM = United States Department of the Interior, Bureau of Land Management

CFR = Code of Federal Regulations

CO = carbon monoxide

ft = foot/feet

I-215 = Interstate 215

MCP = Mid County Parkway

mi = mile/miles

MSATs = Mobile Source Air Toxics

PM₁₀ = particulate matter less than 10 microns in sizePM_{2.5} = particulate matter less than 2.5 microns in size

TCE = temporary construction easement

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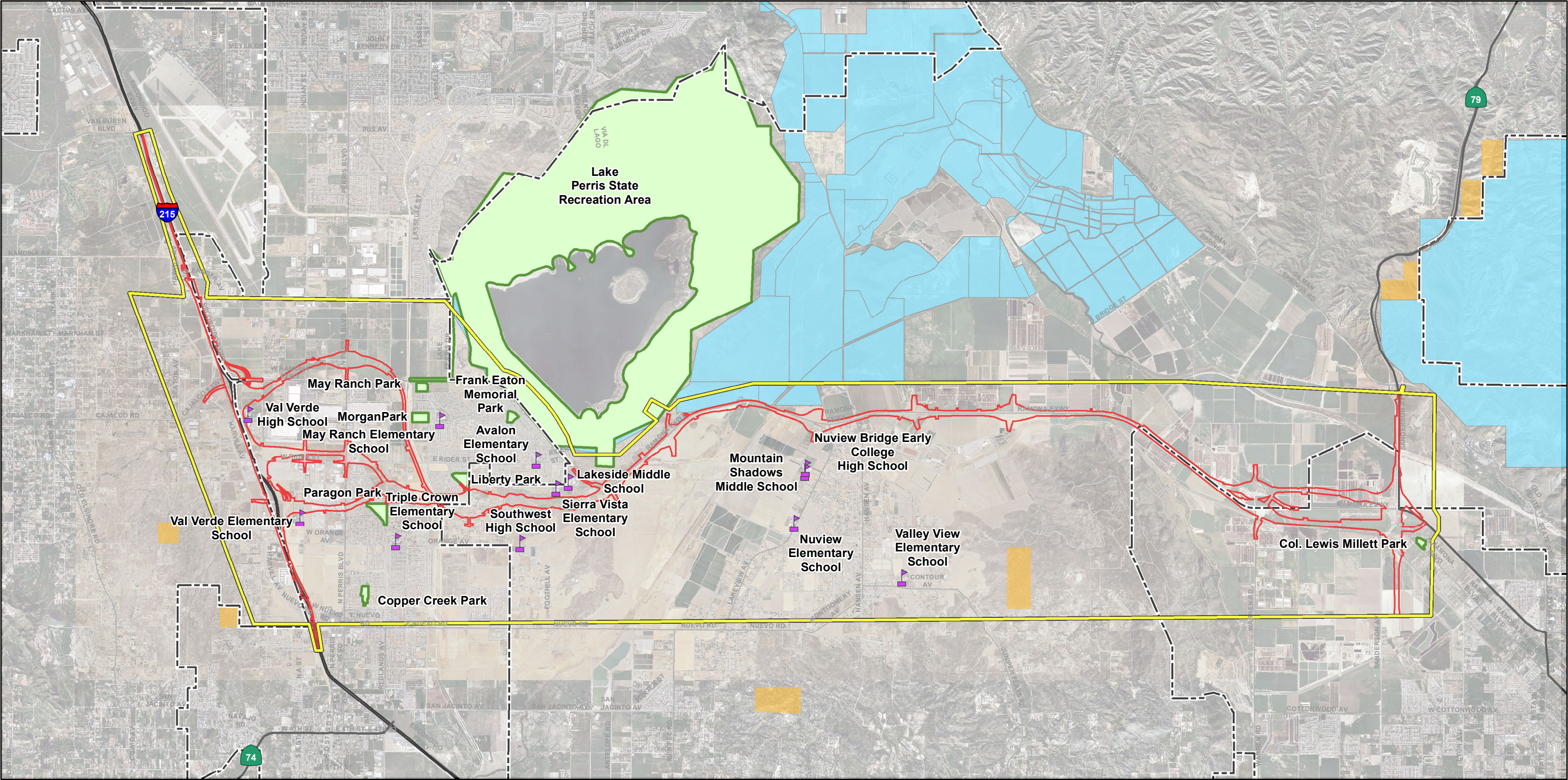
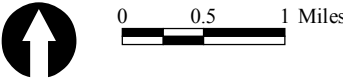


FIGURE A.1

LEGEND

MCP Study Area	School
Limits of Proposed Improvements	BLM Managed Lands
City Boundary	
Parks and Recreation	
San Jacinto Wildlife Area	

SOURCE: Eagle Aerial (2009, 2010); Jacobs Engineering (02/2011); Thomas Brothers (2006/2010)



Other Resources Evaluated Relative to the Requirements of Section 4(f)

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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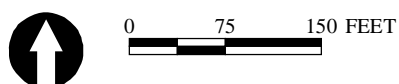


LEGEND

- Alternative 5 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- - - Temporary Construction Easement (0.011 ac)
- Retaining Wall
- Centerlines, Ramps, and Lanes

FIGURE A.2

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Liberty Park - Alternative 5 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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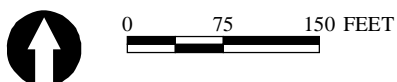


LEGEND

- Alternative 9 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.097 ac)
- Retaining Wall
- Centerlines, Ramps, and Lanes

FIGURE A.3

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Liberty Park - Alternative 9 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



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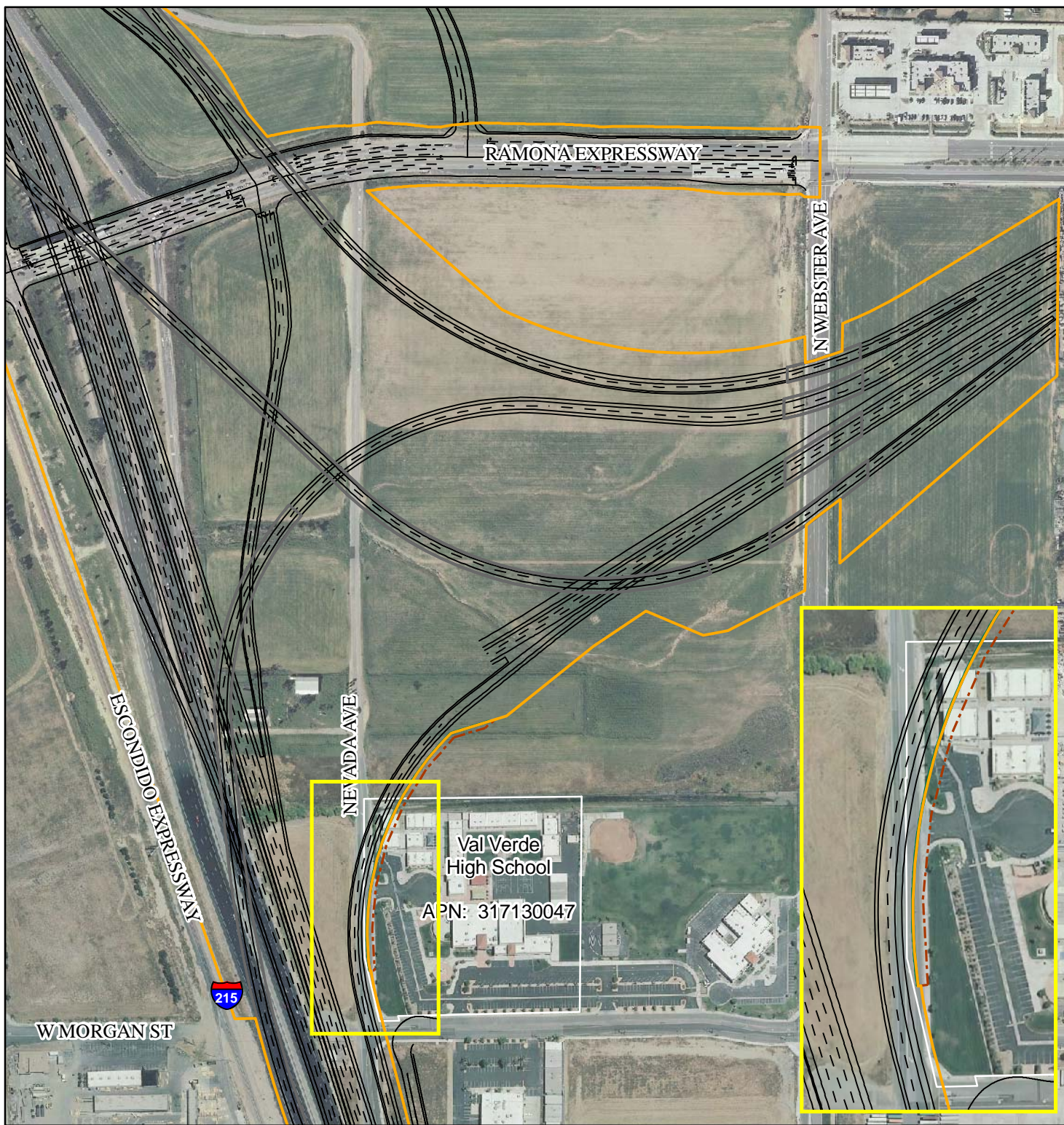


FIGURE A.4

LEGEND

- Right-of-Way - Alternative 4 Modified
- Temporary Construction Easement
- Retaining Wall
- Centerlines, Ramps, and Lanes
- Parcel Lines

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



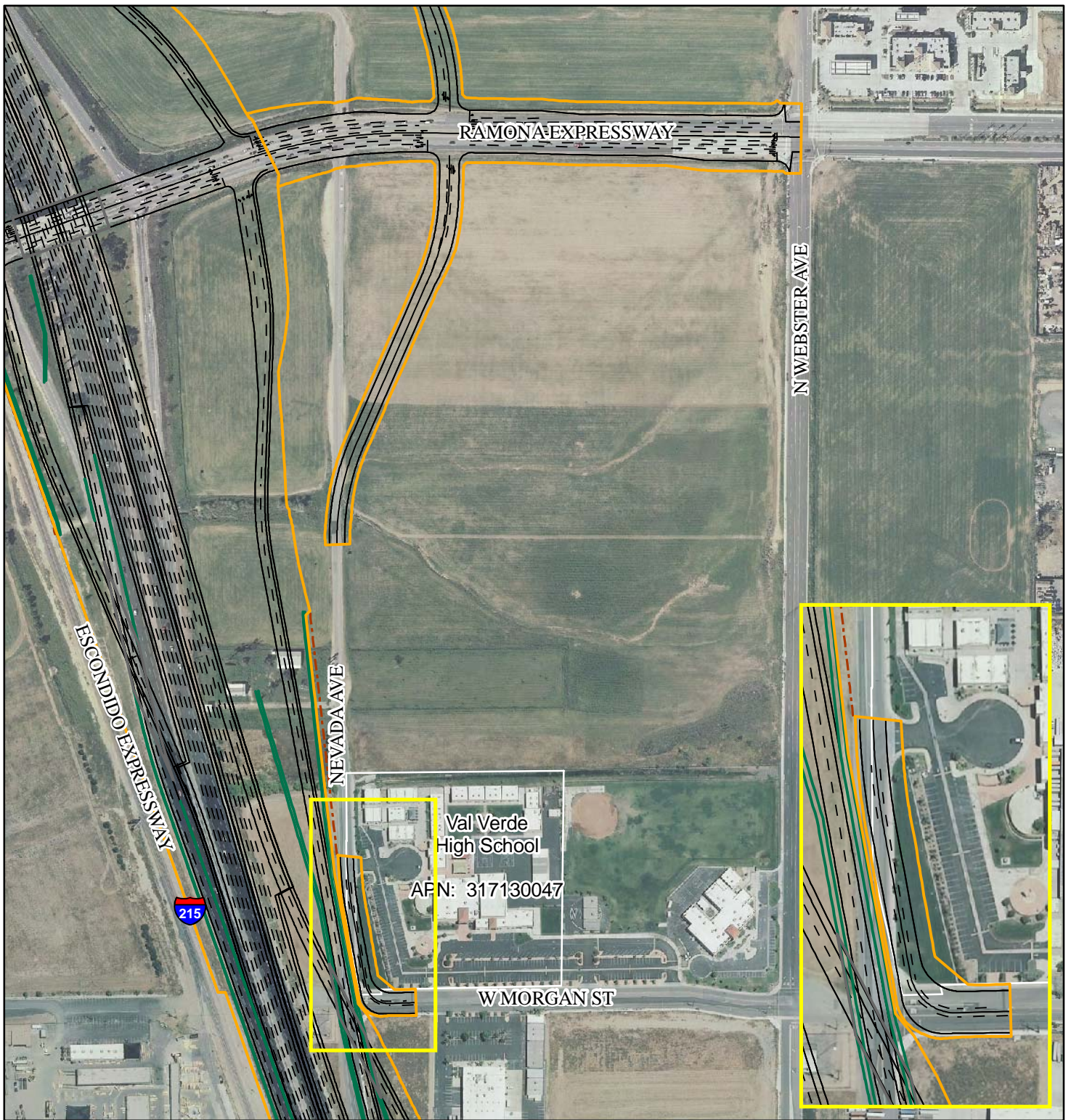
Permanent Land Acquisition at Val Verde High School Under Alternative 4 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)

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LEGEND

- Right-of-Way - Alternative 5 Modified
- Temporary Construction Easement
- Retaining Wall
- Centerlines, Ramps, and Lanes
- Parcel Lines

FIGURE A.5

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Permanent Land Acquisition at Val Verde High School Under Alternative 5 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)

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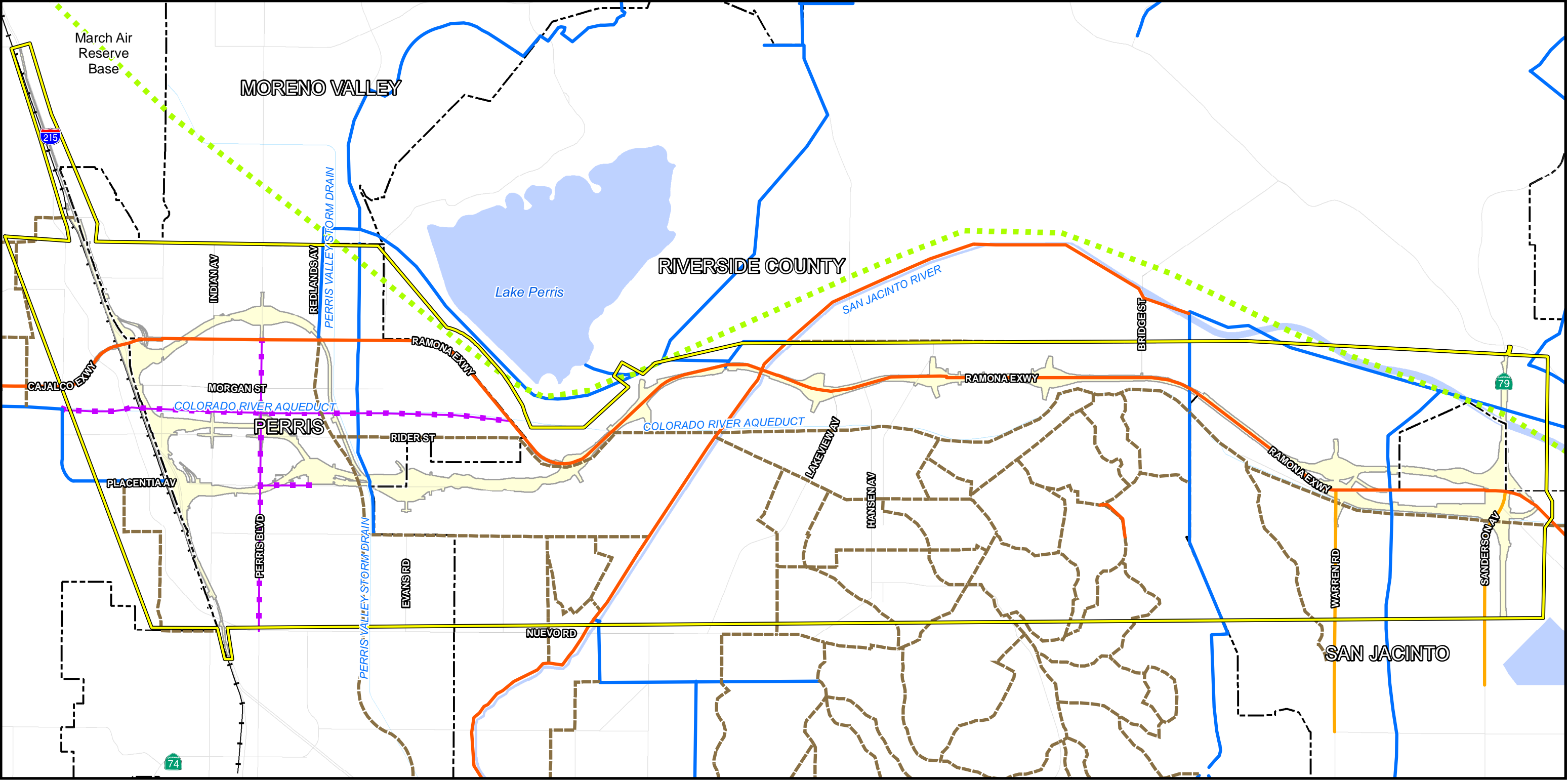


FIGURE A.6

LEGEND

- Mid County Parkway Study Area
- Limits of Proposed Improvements (All Alternatives and Design Variations)
- City/County Boundary
- Railroad

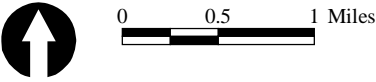
Riverside County General Plan Trails

- Class I
- Community
- Historic
- Regional

Cities of Perris and San Jacinto General Plan Trails

- Class II
- Community
- Regional Hiking , Bicycle, Equestrian
- Urban Bicycle

SOURCE: TBM (2010), Jacobs Engineering (2/2011), City of Perris, City of San Jacinto (2007); RBF / Transcore (06/03)



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ATTACHMENT B

CONSULTATION CORRESPONDENCE

This appendix contains the following correspondence:

- June 7, 2012, Initiation of Section 4(f) Consultation letter from Riverside County Transportation Commission (RCTC) to Dr. Alan Jensen, Val Verde United School District (15 pages)
- June 7, 2012, Initiation of Section 4(f) Consultation letter from RCTC to Clara Miramontes, City of Perris (13 pages)
- March 11, 2013, Section 4(f) consultation/concurrence letter from the United States Department of the Interior (2 pages)
- December 26, 2013, Section 4(f) Consultation Letter from Federal Highway Administration (FHWA) to the City of Perris and Concurrence from the City of Perris dated (February 2, 2014) (5 pages)
- December 26, 2013, Section (f) Consultation Letter from FHWA to CDFW (5 pages)
- March 14, 2014, email from CDFW to FHWA regarding “4(f) at SJWA” (3 pages)
- January 20, 2015 email from FHWA to CDFW regarding “Section 4(f) and the San Jacinto Wildlife Area” (1 page)

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June 7, 2012

Dr. Alan Jensen
Superintendent
Val Verde Unified School District
975 West Morgan Street
Perris, CA 92571

Subject: Initiation of Section 4(f) Consultation Regarding the Effects of the
Mid County Parkway Project on Val Verde High School

Dear Dr. Jensen:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in Riverside County. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway as shown on Figure 1. The MCP project will serve as a major east-west connection in western Riverside County and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east. A Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the MCP project will be circulated for public review later this summer.

The purpose of this letter is to initiate consultation with the Val Verde Unified School District (VVUSD) under Section 4(f) to review the project effects on Val Verde High School and RCTC's and FHWA's preliminary determination that those effects would not result in a permanent, temporary, or constructive use of recreation resources at this School under the requirements of Section 4(f). RCTC and FHWA will make a final determination once a preferred alternative is identified following the public review period of the Recirculated Draft EIR/Supplemental Draft EIS.

SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 303, declares that "...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) requires a project proponent to consult with the owner/operator having jurisdiction over each property identified as protected under Section 4(f). The purpose of this consultation with the owner/operator is to review the information regarding each Section 4(f) property, including the significance of that property, the primary purpose of that property, the potential use impacts to that property by the proposed project, and measures that have been incorporated in the project to avoid or minimize those use impacts.

PRELIMINARY ANALYSIS OF PROJECT EFFECTS ON VAL VERDE HIGH SCHOOL

This School, at 972 West Morgan Street in the city of Perris, is owned and operated by the VVUSD. This School has one soccer practice field, one gymnasium, two full basketball courts, one softball field, and two volleyball courts. Based on the preliminary analysis of the potential project effects on Val Verde High School, the School has been identified as a property under the jurisdiction of the VVUSD that triggers the requirements for protection under Section 4(f). The findings of the preliminary analysis regarding potential permanent, temporary, and constructive use impacts to the high school are summarized in Attachment A, Preliminary Findings Regarding Impacts of the MCP Project on Val Verde High School and Other VVUSD Resources. The final analysis regarding the project effects on Val Verde High School, measures to address those effects, and input from the VVUSD received during the Section 4(f) consultation process will be included in the Section 4(f) Evaluation for the MCP project that will be incorporated in the environmental document for the project.

We would appreciate it if you would review the enclosed material and let us know if you have any comments regarding the adequacy of the analysis in identifying and describing the potential effects of the MCP project on Val Verde High School. A list of questions relating to Section 4(f) properties such as Val Verde High School is provided in Attachment B to assist you in ensuring that the information provided in the MCP Section 4(f) Evaluation regarding the high school is thorough and accurate.

If you have any questions or would like to schedule a meeting, please call me at (951) 787-7141. We look forward to the VVUSD's participation in this important consultation process for the MCP project. Thank you for your interest and participation in the Section 4(f) consultation regarding Val Verde High School.

Sincerely,



Cathy Bechtel, Project Development Director
Riverside County Transportation Commission

cc: Shawn Oliver, Federal Highway Administration, with attachments
Marie Petry, Caltrans District 8, with attachments

Attachments: A: Preliminary Findings Regarding Impacts of the MCP Project on Val Verde High School and Other VVUSD Resources
B: List of Review Questions for an Agency with Jurisdiction over a Section 4(f) Property

Figures: 1: Project Vicinity and Study Area
2: Permanent Land Acquisition at Val Verde High School Under Alternative 4 Modified
3: Permanent Land Acquisition at Val Verde High School Under Alternative 5 Modified

ATTACHMENT A

PRELIMINARY FINDINGS REGARDING IMPACTS OF THE MCP PROJECT ON VAL VERDE HIGH SCHOOL AND OTHER VVUSD RESOURCES

A.1 PERMANENT USE OF LAND FROM VAL VERDE HIGH SCHOOL

Three Build Alternatives (Alternatives 4 Modified, 5 Modified, and 9 Modified) are being considered in the environmental studies for the MCP.

As shown on Figures 2 and 3, Alternatives 4 Modified and 5 Modified would result in the permanent use of 0.42 and 0.53 acre (ac), respectively, of land from this School property. However, the part of the School property that would be acquired for Alternatives 4 Modified and 5 Modified does not include any recreation uses. As a result, there is no use of property from this School under Section 4(f) by Alternatives 4 Modified and 5 Modified and, therefore, the requirements for protection under Section 4(f) are not triggered.

Alternative 9 Modified would not result in the permanent use of land from Val Verde High School.

Alternatives 4 Modified, 5 Modified, and 9 Modified would not require any permanent surface, subsurface, or aerial easements at Val Verde High School.

In summary, FHWA and RCTC have made a preliminary determination that the MCP Build Alternatives would not result in a permanent use of land from Val Verde High School under Section 4(f) and, as a result, the requirements for protection under Section 4(f) would not be triggered.

A.2 TEMPORARY OCCUPANCY OF LAND AT VAL VERDE HIGH SCHOOL

Alternatives 5 Modified and 9 Modified would not require the use of any land from the Val Verde High School property for a temporary construction easement (TCE). Alternative 4 Modified would require the use of 0.18 ac of land on the west side of the Val Verde High School property for use as a TCE during construction of the MCP in that area. As shown on Figure 4, the 0.18 ac proposed to be used as a TCE for Alternative 4 Modified does not include any areas on the high school property designated or used for recreation.

For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute a use as defined in Section 4(f), if each of five conditions is met (23 Code of Federal Regulations [CFR] 774.13(d)). FHWA and RCTC have made a preliminary determination that the proposed use of land at Val Verde High School for a TCE during construction of the MCP meets or would meet each of these conditions, as described below:

Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land

The duration of construction for Alternative 4 Modified at this location would be approximately 4 months, substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of Alternative 4 Modified in this area.

Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal)

The scope of work for Alternative 4 Modified west of and outside the high school property is substantial; however, the actual work in the TCE would be limited. Specifically, the TCE is proposed to allow for the operation of construction equipment/vehicles and materials storage immediately adjacent to active construction areas. These activities would not result in temporary or permanent changes to the parts of the high school property used for active and passive recreation activities.

There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis

The construction activities for Alternative 4 Modified west of and outside the high school property would not result in any permanent adverse physical impacts to the high school property, or any part of that property used for recreation, and would not interfere with the protected activities, features, or attributes of Val Verde High School on either a temporary or permanent basis.

The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project)

The land being used for the TCE would be returned to a condition that is at least as good as that which existed prior to the project at the completion of the construction of Alternative 4 Modified in this area.

and

There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Because the TCE proposed in Alternative 4 Modified meets or would meet these criteria, FHWA and RCTC have made a preliminary determination that this TCE at Val Verde High School does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at the high school under Alternative 4.

As part of the consultation process for Section 4(f), if Alternative 4 Modified is identified as the preferred alternative, RCTC and FHWA will request the VVUSD to concur with the determination that the TCE at Val Verde High School does not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCE at the high school under the preferred alternative.

A.3 CONSIDERATION OF THE POTENTIAL FOR CONSTRUCTIVE USE IMPACTS AT VAL VERDE HIGH SCHOOL

A constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Based on the analyses conducted for the MCP project to date, FHWA and RCTC have made the following preliminary determinations regarding potential proximity impacts on Val Verde High School:

- Val Verde High School would experience short- and long-term visual, and short-term noise, dust, and traffic impacts during construction, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.
- Based on the detailed modeling and analyses in the *Air Quality Analysis* (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for carbon monoxide, or particulate matter smaller than either 2.5 or 10 microns; would not result in an adverse impact related to mobile source air toxics; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School related to air quality.
- During construction of Alternative 4 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 4 Modified would remove Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. Access to the high school property, including the areas used for recreation, would be maintained during construction of Alternative 4 Modified via Morgan Street and Webster Avenue.
- During construction of Alternative 5 Modified, there would be short-term traffic and access impacts on Val Verde High School. Specifically, Alternative 5 Modified would remove East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. Access to the high school property, including areas used for recreation, would be maintained during construction of Alternative 5 Modified via Morgan Street and Webster Avenue.
- During construction of Alternative 9 Modified, the existing access to Val Verde High School would be maintained. If temporary road closures are necessary in the vicinity of the high school, detours would be provided to ensure that visitors using the recreation areas on the high school property can access that part of the property during those temporary road closures.
- Alternative 4 Modified would result in the permanent removal of Nevada Road from the Ramona Expressway to Morgan Street and curve East Frontage Road at Morgan Street. However, this would not result in long-term traffic impacts because although access via Nevada Road would no longer be provided, access to the high school property, including the areas used for recreation, would be available in the long term via East Frontage Road, Morgan Street, and Webster Avenue.

- Alternative 5 Modified would result in the permanent removal of East Frontage Road from Morgan Street to Walnut Street and curve Nevada Avenue at Morgan Street. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the high school property, including areas used for recreation, would be available in the long term via Nevada Avenue, Morgan Street, and Webster Avenue.
- Alternative 9 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the high school, including areas used for recreation, would continue to be available via Nevada Avenue, Morgan Street, Webster Avenue, and East Frontage Road.

In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde High School and the recreation resources at the high school as a result of changes in traffic circulation and access.

Based on these analyses, FHWA and RCTC have made a preliminary determination that the proximity impacts of the MCP Build Alternatives at Val Verde High School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives are not expected to result in constructive use of Val Verde High School.

A.4 CONSIDERATION OF OTHER RESOURCES IN AND UNDER THE JURISDICTION OF THE VAL VERDE UNIFIED SCHOOL DISTRICT

Other VVUSD schools in the vicinity of the MCP project alignment were reviewed to assess whether they might trigger the need for consideration under the requirements of Section 4(f). Based on the preliminary analyses conducted to date, FHWA and RCTC have preliminarily determined that the resources listed in Table A.1 which are owned by and under the jurisdiction of the VVUSD would not trigger the requirements for protection under Section 4(f) as described in that table.

Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Val Verde Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 2656 Indian Avenue in the city of Perris.</p> <p>This School has one softball field with a backstop, one soccer field, open space, 12 basketball half-courts, and a play structure.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is adjacent to the boundary of this School (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 500 ft from this School. This School would experience short- and long-term visual, and short-term noise and dust impacts during construction, all of which would be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School related to air quality.</p> <p>During construction of the MCP Build Alternatives, the existing access to the elementary school property would be maintained, including access to the areas on the property used for recreation. If temporary road closures are necessary in the vicinity of this School, detours would be provided to ensure that visitors using the recreation areas on the school property can access that part of the property during those temporary road closures.</p> <p>Alternatives 4 Modified and 5 Modified would not result in the permanent removal of any existing streets and would not result in long-term traffic or access impacts because access to the elementary School, including areas used for recreation, would continue to be available via Indian Avenue, East Frontage Road, and Water Avenue.</p> <p>Alternative 9 Modified would result in the permanent removal of East Frontage Road north of Water Avenue. However, this would not result in long-term traffic impacts because although access via East Frontage Road would no longer be provided, access to the elementary school property, including the areas used for recreation, would be available via Indian Avenue and Water Avenue.</p> <p>In summary, the MCP Build Alternatives would not result in proximity impacts on Val Verde Elementary School and the recreation resources at that School related to changes in traffic circulation and access. The proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>

Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Triple Crown Elementary School. This School is owned by and operated by Val Verde Unified School District. It is located at 530 Orange Avenue in the city of Perris.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is more than 2,000 ft from the boundary of this School (Alternative 9 Modified).</p> <p>No short- or long-term traffic impacts would occur at Triple Crown Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Triple Crown Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
<p>May Ranch Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 900 East Morgan Street in the city of Perris.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is nearly 2,000 ft from the boundary of this School. This School would experience short-term noise impacts during construction, which would be partially mitigated. This School would not experience long-term noise impacts, or short- and long-term visual and air quality impacts. No short- or long-term traffic impacts would occur at May Ranch Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Elementary School related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>

Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Southwest High School. This School is owned and operated by Val Verde Unified School District. It is located at 1400 Orange Avenue in the City of Perris.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed at this School under the MCP Build Alternatives. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is more than 1,200 ft from the boundary of this School. No short-term traffic impacts would occur at Southwest High School because access to the School would be maintained during construction, and the nearest project features are a substantial distance from the School. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Southwest High School, including users of the recreation uses on the property, would still be able to access the School, including areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Southwest High School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>
<p>Avalon Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 1815 East Rider Street in the city of Perris.</p> <p>This School has two softball fields with backstops.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 2,160 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). No short- or long-term traffic impacts would occur at Avalon Elementary School because access to the School would be maintained and the nearest project features are a substantial distance from the School. As a result, the MCP Build Alternatives would not result in proximity impacts on Avalon Elementary School related to changes in traffic circulation and access.</p> <p>Based on the distance of this School from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this School.</p>

Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Sierra Vista Elementary School. This School is owned and operated by Val Verde Unified School District. It is located at 20300 Sherman Road in the city of Perris.</p>	<p>This School is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p>
<p>This School has two softball fields with backstops, eight basketball half-courts, and a tot lot.</p>	<p>The nearest right of way for the MCP Build Alternatives is nearly 200 ft from the boundary of this School (Alternatives 4 Modified, 5 Modified, and 9 Modified). This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This School would not experience long-term noise impacts.</p>
	<p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to air quality.</p>
	<p>No short-term traffic impacts would occur at Sierra Vista Elementary School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Sierra Vista Elementary School, including users of the recreation uses on the property, would still be able to access the School, including the areas used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Sierra Vista Elementary School related to changes in traffic circulation and access.</p>
	<p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>

Table A.1: Resources under the Jurisdiction of the Val Verde Unified School District Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Lakeside Middle School. This School is owned and operated by Val Verde Unified School District. It is located at 27720 Walnut Avenue in the city of Perris.</p> <p>This School has one soccer practice field with running track, seven full basketball courts, and one softball field.</p>	<p>This School is in the MCP Study Area and is in the immediate vicinity of the right of way for the MCP Build Alternatives. However, there is no permanent use of land from this School by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this School. Because there is no permanent or temporary use of land from this School under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The MCP Build Alternatives are adjacent to the boundary of this School. This School would experience short-term dust and noise impacts, and short- and long-term visual impacts that would be partially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This School would not experience long-term noise impacts.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to air quality.</p> <p>No short-term traffic impacts would occur at Lakeside Middle School because access to the School would be maintained during construction. Under Alternatives 4 Modified, 5 Modified, and 9 Modified, El Nido Avenue would not cross the MCP facility. Visitors to Lakeside Middle School, including users of the recreation uses on the property, would still be able to access the School property, including the area used for recreation, via Evans Road. As a result, the MCP Build Alternatives would not result in proximity impacts on Lakeside Middle School related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this School would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this School.</p>

Source: LSA Associates, Inc. (2012).

ac = acre/acres

CO = carbon monoxide

ft = foot/feet

I-215 = Interstate 215

MCP = Mid County Parkway

mi = mile/miles

MSATs = mobile source air toxics

PM₁₀ = particulate matter less than 10 microns in sizePM_{2.5} = particulate matter less than 2.5 microns in size

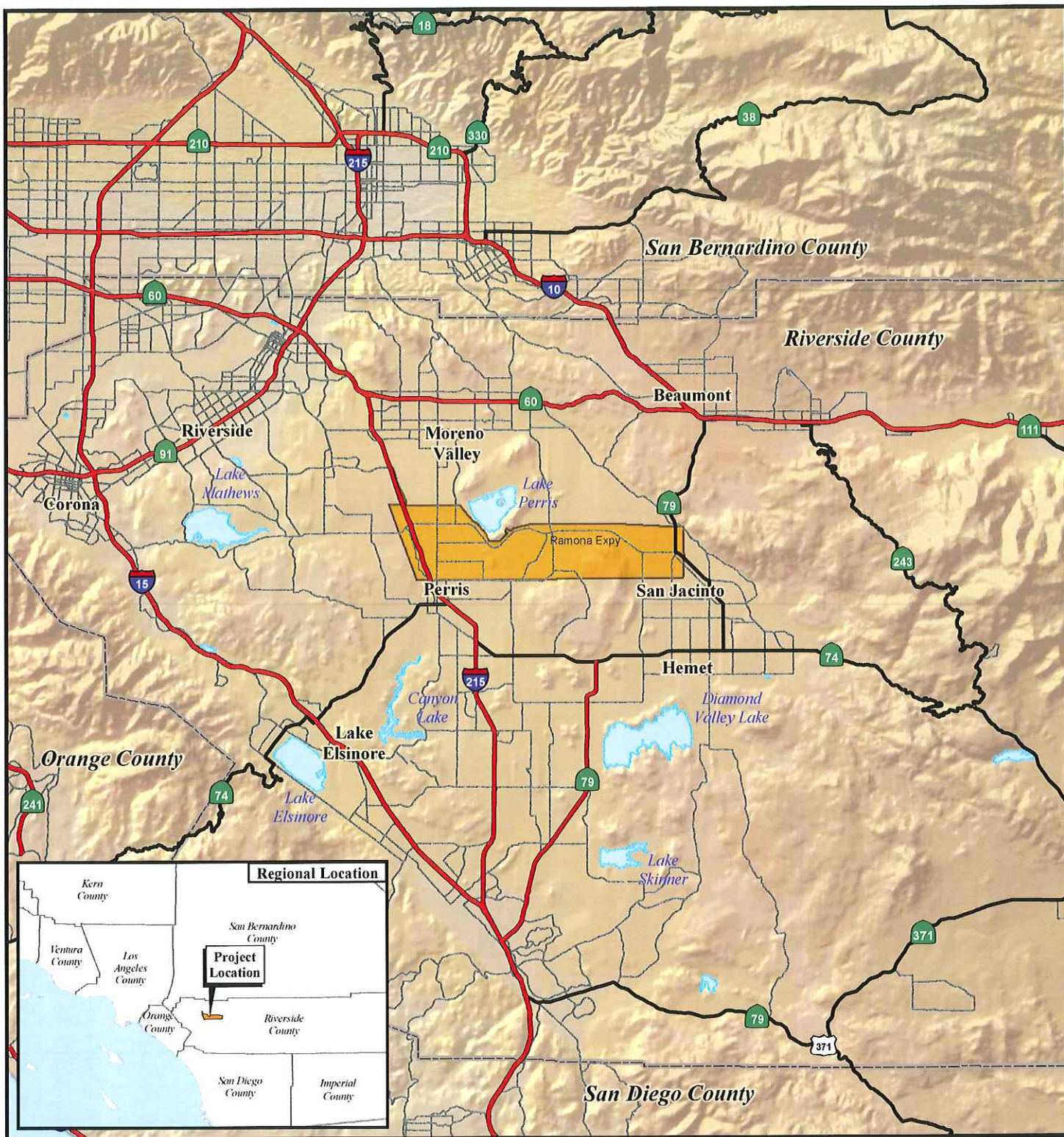
TCE = temporary construction easement

ATTACHMENT B

LIST OF REVIEW QUESTIONS FOR AN AGENCY WITH JURISDICTION OVER A SECTION 4(f) PROPERTY

The questions below will assist the Val Verde Unified School District in ensuring that the analysis of the potential impacts of the Mid County Parkway (MCP) project on Section 4(f) property(ies) within your jurisdiction is thorough and accurate:

- Have the appropriate Section 4(f) properties (i.e., publicly owned parks and recreation lands including sports yards at public schools if they are used for recreation purposes outside school hours, wildlife and waterfowl refuges, and historic sites) within your agency's jurisdiction been identified and potential project impacts evaluated?
- Is the information describing the 4(f) property(ies) within your agency's jurisdiction correct and current? Is there more information about the Section 4(f) property(ies) that your agency would like incorporated in the Section 4(f) Evaluation?
- Has the primary purpose of the entire Section 4(f) property, and not just the part used by the MCP Build Alternatives, been adequately described?
- Have the anticipated permanent and/or temporary use effects of the MCP Build Alternatives on each Section 4(f) property within your agency's jurisdiction been explained sufficiently?
- Does the information adequately express the significance or importance of the Section 4(f) property to your agency?
- Are the anticipated avoidance and mitigation measures for the use effects sufficient? Does your agency have alternative or additional mitigation to propose for inclusion in the project?

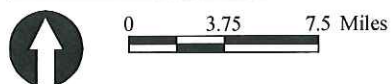


LEGEND

Mid County Parkway Study Area

FIGURE 1

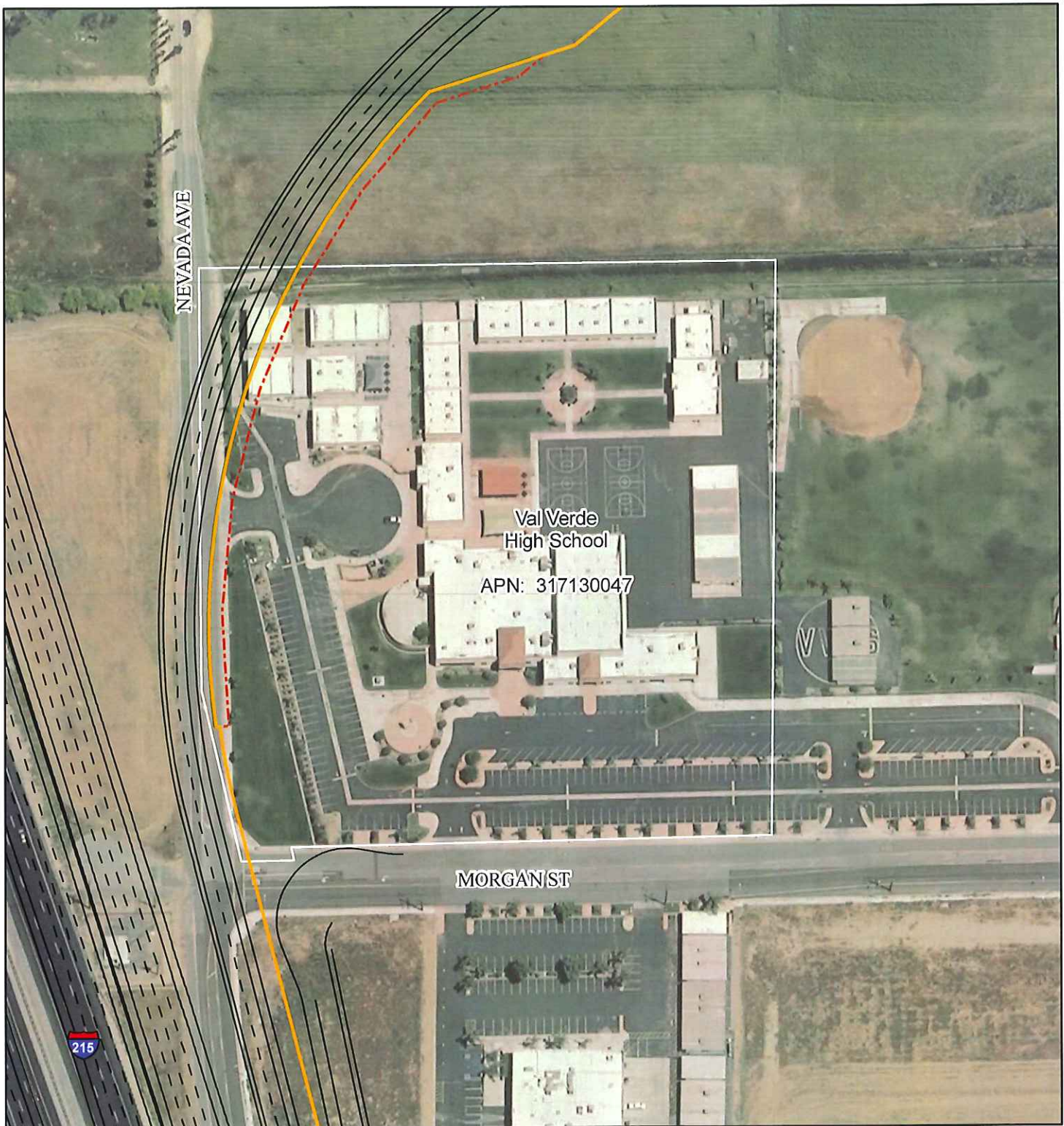
SOURCE: ESRI (2008); TBM (2010), Jacobs Engineering (02/2011)



Project Vicinity and Study Area

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)





LEGEND

- Limits of Proposed Improvements Alternative 4 Modified
- Temporary Construction Easement
- Retaining Wall
- Centerlines, Ramps, and Lanes
- Parcel Lines

FIGURE 2

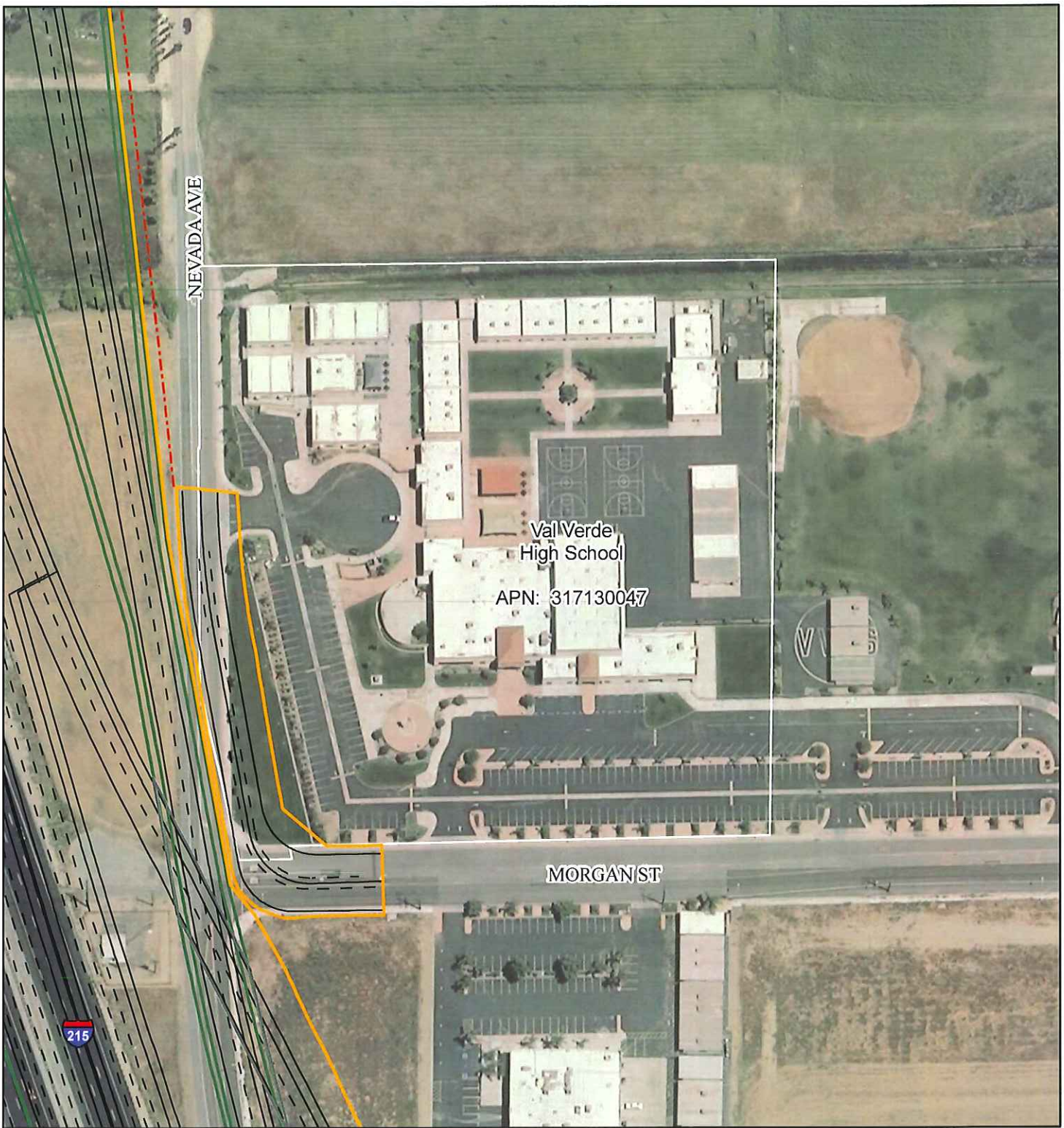
SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Val Verde High School - Alternative 4 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)





LEGEND

- Limits of Proposed Improvements Alternative 5 Modified
- Temporary Construction Easement
- Retaining Wall
- Centerlines, Ramps, and Lanes
- Parcel Lines

FIGURE 3

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Val Verde High School - Alternative 5 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)





Riverside County Transportation Commission

June 7, 2012

Ms. Clara Miramontes
Planning Manager
City of Perris
135 North "D" Street
Perris, CA 92570

Subject: Initiation of Section 4(f) Consultation Regarding the Effects of the
Mid County Parkway Project on Basin Park

Dear Ms. Miramontes:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation (Caltrans) District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in Riverside County. The project area in western Riverside County is primarily along or parallel to the existing Ramona Expressway as shown on Figure 1. The MCP project will serve as a major east-west connection in western Riverside County and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt an MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 (I-215) on the west to State Route 79 (SR-79) on the east. A Recirculated Draft Environmental Impact Report (EIR)/Supplemental Draft Environmental Impact Statement (EIS) for the MCP project will be circulated for public review later this summer.

The purpose of this letter is to initiate consultation with the City of Perris under Section 4(f) to review the project effects on Basin Park and RCTC's and FHWA's preliminary determination that those effects would not result in a permanent, temporary, or constructive use of this Park under the requirements of Section 4(f). RCTC and FHWA will make a final determination once a preferred alternative is identified following the public review period of the Recirculated Draft EIR/Supplemental Draft EIS.

SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 49 United States Code 303, declares that "...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) specifies that the Secretary of Transportation may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the Park, area, refuge, or site) only if:

- there is no prudent and feasible alternative to using that land; and
- the program or project includes all possible planning to minimize harm to the Park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) requires a project proponent to consult with the owner/operator having jurisdiction over each property identified as protected under Section 4(f). The purpose of this consultation with the owner/ operator is to review the information regarding each Section 4(f) property, including the significance of that property, the primary purpose of that property, the potential use impacts to that property by the proposed project, and measures that have been incorporated in the project to avoid or minimize those use impacts.

In compliance with the requirements of Section 4(f), RCTC and Caltrans will add this item to the agenda for our upcoming meeting with RCTC and the City of Perris scheduled for June 14, 2012.

PRELIMINARY ANALYSIS OF PROJECT EFFECTS ON BASIN PARK

Basin Park, at the corner of Evans Road and Kestrel Gate, is owned and operated by the City of Perris. This 9-acre (ac) Park includes two tot lots, picnic tables, a walkway, a large open turf area, restrooms, and off-street parking. Based on the preliminary analysis of the potential project effects on Basin Park, this Park has been identified as a property under the jurisdiction of the City of Perris that triggers the requirements for protection under Section 4(f). The findings of the preliminary analysis regarding potential permanent, temporary, and constructive use impacts to Basin Park are summarized in Attachment A, Preliminary Findings Regarding Impacts of the MCP Project on Basin Park and Other Resources in the City of Perris. The final analysis regarding the project effects on Basin Park, measures to address those effects, and input from the City received during the Section 4(f) consultation process will be included in the Section 4(f) Evaluation for the MCP project that will be incorporated in the environmental document for the project.

We would appreciate it if you would review the enclosed material prior to the meeting and provide comments at the meeting regarding the adequacy of the analysis in identifying and describing the potential effects of the MCP project on Basin Park. A list of questions relating to Section 4(f) properties such as Basin Park is provided in Attachment B to assist you in ensuring that the information provided in the MCP Section 4(f) Evaluation regarding Basin Park is thorough and accurate.

If you have any questions, please call me at (951) 787-7141. We look forward to the City's participation in this important consultation meeting for the MCP project. Thank you for your interest and participation in the Section 4(f) consultation regarding Basin Park.

Sincerely,



Cathy Bechtel, Project Development Director
Riverside County Transportation Commission

cc: Shawn Oliver, Federal Highway Administration, with attachments
Marie Petry, Caltrans District 8, with attachments

Attachments: A: Preliminary Findings Regarding Impacts of the MCP Project on Basin Park and Other
Resources in the City of Perris
B: List of Review Questions for an Agency with Jurisdiction over a Section 4(f) Property

Figures: 1: Project Vicinity and Study Area
2: Basin Park – Alternative 5 Modified
3: Basin Park – Alternative 9 Modified

ATTACHMENT A

PRELIMINARY FINDINGS REGARDING IMPACTS OF THE MCP PROJECT ON BASIN PARK AND OTHER RESOURCES IN THE CITY OF PERRIS

A.1 PERMANENT USE OF LAND FROM BASIN PARK

Three Build Alternatives (Alternative 4 Modified, Alternative 5 Modified, and Alternative 9 Modified) are being considered in the environmental studies for the Mid County Parkway (MCP) project. Those Alternatives would not result in the permanent use of any land from Basin Park and would not require any permanent surface, subsurface, or aerial easements at that Park. Therefore, Federal Highway Administration (FHWA) and Riverside County Transportation Commission (RCTC) have made a preliminary determination that the MCP Build Alternatives would not result in a permanent use of land from Basin Park and the requirements for protection under Section 4(f) would not be triggered regarding such a permanent use.

A.2 TEMPORARY OCCUPANCY OF LAND IN BASIN PARK

Alternative 4 Modified would not require the use of any land from Basin Park for temporary construction easements (TCEs) during construction. Alternatives 5 Modified and 9 Modified would require the use of land in Basin Park for TCEs during construction of a retaining wall in the MCP right of way, immediately south of the south side of the Park, as follows:

- **Alternative 5 Modified:** 0.011 acre (ac) for a TCE (Figure 2)
- **Alternative 9 Modified:** 0.097 ac for a TCE (Figure 3)

For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute a use as defined in Section 4(f), if each of five conditions is met (23 Code of Federal Regulations [CFR] 774.13(d)). FHWA and RCTC have made a preliminary determination that the proposed temporary occupancy of land in Basin Park for a TCE during construction of the project retaining wall meets or would meet each of these conditions, as described below:

Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land

The duration of construction for the retaining wall would be approximately 3 months, which is substantially less than the time needed to construct the entire MCP project. There would be no change in the ownership of this land during or after construction of the retaining wall.

Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal)

The scope of work is very minor and would be limited to the construction of the footings of the walls and the walls themselves. The footings and walls would not result in changes to the parts of Basin Park used for active and passive recreation activities.

There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis

The construction of the footings and the walls would not result in any permanent adverse physical impacts to Basin Park and would not interfere with the protected activities, features, or attributes of Basin Park on either a temporary or permanent basis.

The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project)

The land being used for the TCEs would be returned to a condition that is at least as good as that which existed prior to the project.

and

There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

Because the TCEs proposed in Alternatives 5 Modified and 9 Modified meet or would meet these criteria, FHWA and RCTC have made a preliminary determination that the TCEs in Basin Park do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs in Basin Park under Alternatives 5 Modified and 9 Modified.

As part of the consultation process for Section 4(f), if either Alternative 5 Modified or Alternative 9 Modified is identified as the preferred alternative, RCTC and FHWA will request the City of Perris to concur with the determination that the effects of the TCEs at Basin Park do not constitute a use and, therefore, the requirements for protection under Section 4(f) are not triggered by the TCEs in Basin Park under the preferred alternative.

A.3 CONSIDERATION OF THE POTENTIAL FOR CONSTRUCTIVE USE IMPACTS AT BASIN PARK

A constructive use occurs when a transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished.

Based on the analyses conducted for the MCP project to date, the following preliminary determinations regarding potential proximity impacts on Basin Park:

- Basin Park would experience short- and long-term visual impacts and short-term construction noise, dust, and traffic impacts, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.
- Basin Park would not experience long-term noise impacts as a result of the MCP project.
- Based on the detailed modeling and analyses in the *Air Quality Analysis* (2012), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for carbon monoxide, or particulate matter smaller than either 2.5 or 10 microns; would not result in an adverse impact related to mobile source air toxics; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives are not expected to result in proximity impacts on Basin Park related to air quality.
- During construction of the MCP Build Alternatives, access to Basin Park would be maintained. If temporary road closures are necessary in the vicinity of the Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. Alternative 4 Modified would not result in long-term traffic circulation or access impacts on Basin Park because access to this Park on existing roads would be maintained in the long term during operations under this Alternative. Alternatives 5 Modified and 9 Modified include a cul-de-sac on Old Evans Road adjacent to Basin Park and would eliminate the intersection of Old Evans Road/Evans Road as shown on Figures 2 and 3, respectively. These modifications would not result in long-term traffic or access impacts because Old Evans Road would continue to provide access to the Park from Kestrel Gate. The Evans Road pedestrian crossing at Old Evans Road would be shifted south approximately 400 feet (ft) to the intersection of the westbound MCP ramps at Evans Road. Alternatives 5 Modified and 9 Modified would also include closure of the intersection at Sparrow Way/Evans Road; access for that neighborhood would be provided via Whimbrel Way to Evans Road. As a result, the MCP Build Alternatives are not expected to result in proximity impacts on Basin Park related to changes in traffic circulation and access.

Based on these analyses, FHWA and RCTC have made a preliminary determination that the proximity impacts of the MCP Build Alternatives at Basin Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives are not expected to result in constructive use of this Park.

A.4 CONSIDERATION OF OTHER RESOURCES IN AND UNDER THE JURISDICTION OF THE CITY OF PERRIS

Other parks and recreation resources in the City of Perris were reviewed to assess whether they might trigger the need for consideration under the requirements of Section 4(f). Based on the preliminary analysis conducted to date, FHWA and RCTC have preliminarily determined that the resources listed in Table A.1 which are owned by and under the jurisdiction of the City of Perris would not trigger the requirements for protection under Section 4(f) as described in that table.

Table A.1: Resources in the City of Perris Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Paragon Park. This Park is owned and operated by the City of Perris. It is located at 264 Spectacular Bid Street.</p>	<p>This Park is in the MCP Study Area and also in the vicinity of the right of way limits for the MCP Build Alternatives, but there is no permanent use of this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p>
<p>This is a 14.1 ac community Park with portable restrooms, approximately 30 off-street parking spaces, two lighted tennis courts, one full basketball court, two handball walls, a tot lot, one barbeque, open space, and three picnic shelters. Vehicle and pedestrian access to this Park is provided via Spectacular Bid Street, Redlands Avenue, and Placentia Avenue.</p>	<p>The nearest right of way for the MCP Build Alternatives is approximately 120 ft from the boundary of this Park (Alternative 9 Modified). Alternatives 4 Modified and 5 Modified are more than 1,000 ft from this Park. This Park would experience short-term visual, noise, and dust impacts during construction, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project.</p> <p>Based on the detailed modeling and analyses in the <i>Air Quality Analysis</i> (2011), it was determined that the MCP Build Alternatives would not violate any federal or state air quality standard; would not contribute substantially to an existing or projected air quality violation for CO, PM_{2.5}, or PM₁₀; would not result in an adverse impact related to MSATs; and would not expose sensitive receptors to substantial pollutant concentrations. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to air quality.</p> <p>During construction of the MCP Build Alternatives, access to Paragon Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at Paragon Park because access to the Park would be maintained during project operations. Neighborhoods north of Placentia Avenue use Lakeview Drive, Perris Boulevard, or Spokane Street to access Placentia Avenue adjacent to Paragon Park. Under the MCP Build Alternatives, some residents would no longer have direct access to Placentia Avenue via Lakeview Drive or Spokane Street; those residents would be able to use Perris Boulevard to Placentia Avenue to access Paragon Park. As a result, the MCP Build Alternatives would not result in proximity impacts on Paragon Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at Paragon Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</p>

Table A.1: Resources in the City of Perris Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Morgan Park. This Park is owned and operated by the City of Perris. It is located at 600 Morgan Street.</p> <p>This Park includes a lighted soccer field, a snack bar, picnic tables, basketball courts, barbeques, a playground/tot lot, and restrooms.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 420 ft from this Morgan Park (Alternative 4 Modified). This Park would experience short- and long-term visual impacts and short-term noise impacts, all of which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This Park would not experience short- or long-term air quality impacts or long-term noise impacts.</p> <p>During construction of the MCP Build Alternatives, access to Morgan Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in traffic or access impacts on Morgan Park because access to this Park would be maintained in the long term during operations of Alternatives 4 Modified, 5 Modified, and 9 Modified. As a result, the MCP Build Alternatives would not result in proximity impacts on Morgan Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>
<p>Frank Eaton Memorial Park. This Park is owned and operated by the City of Perris. It is located at 3600 Bradley Road.</p> <p>This 4.4 ac mini-park includes portable restrooms, off-street parking, four picnic tables, one picnic shelter, barbeques, tot lot and playground, basketball court, a baseball/softball field, and one water fountain.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 4,600 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Frank Eaton Memorial Park related to changes in traffic circulation and access.</p> <p>Based on the distance of this Park from the alignments of the MCP Build Alternatives, those Alternatives would not result in impacts that would substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>

Table A.1: Resources in the City of Perris Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>May Ranch Park. This Park is owned and operated by the City of Perris. It is located at 3033 Poppy Court.</p> <p>This approximately 8 ac neighborhood Park includes portable restrooms, approximately 35 off-street parking spaces, 11 picnic tables, one picnic shelter, four barbeques, a tot lot, two benches, one full basketball court, two softball fields, one practice field/passive space, and one water fountain.</p>	<p>This Park is in the MCP Study Area but outside the right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is approximately 700 ft from the boundary of this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). This Park would experience short- and long-term visual impacts, which are anticipated to be substantially mitigated based on avoidance, minimization, and mitigation measures that will be included in the environmental document for the project. This Park would not experience short- and long-term air quality or noise impacts.</p> <p>During construction of the MCP Build Alternatives, access to May Ranch Park would be maintained. If temporary road closures are necessary in the vicinity of this Park, detours would be provided to ensure that visitors can access the Park during those temporary road closures. The MCP Build Alternatives would not result in long-term traffic or access impacts at May Ranch Park because access to the Park would be maintained during project operations. Some residents living south of Placentia Avenue may currently use Eureka Avenue or El Nido Avenue to access this Park. Eureka Avenue and El Nido Avenue would not cross the alignments of the MCP Build Alternatives; residents who currently use those streets to access the Park would be able to access the Park via Redlands Boulevard at its crossing of the MCP. As a result, the MCP Build Alternatives would not result in proximity impacts on May Ranch Park related to changes in traffic circulation and access.</p> <p>In summary, the proximity impacts of the MCP Build Alternatives at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, the MCP Build Alternatives would not result in constructive use of this Park.</p>
<p>Copper Creek Park. This Park is owned and operated by the City of Perris. It is located at 217 Citrus Avenue.</p> <p>This 7.4 ac Park includes a half-court basketball court, passive/practice areas, two tot lots, two barbeques, one drinking fountain, four picnic tables, one picnic shelter, and restrooms.</p>	<p>This Park is outside the MCP Study Area and right of way limits for the MCP Build Alternatives, and there is no permanent use of land from this Park by any MCP Build Alternative. There are no TCEs or permanent surface, aerial, or subsurface easements proposed within the boundary of this Park under the MCP Build Alternatives. Because there is no permanent or temporary use of land from this Park under the MCP Build Alternatives, the requirements for protection under Section 4(f) are not triggered.</p> <p>The nearest right of way for the MCP Build Alternatives is over 3,300 ft from this Park (Alternatives 4 Modified, 5 Modified, and 9 Modified). During construction and operation of the MCP Build Alternatives, access to this Park would not be affected because the Park is a substantial distance from the nearest features of the MCP Build Alternatives. As a result, the MCP Build Alternatives would not result in proximity impacts on Copper Creek Park related to changes in traffic circulation and access.</p> <p>Based on the distance of this Park from the alignments of the MCP Build Alternatives, those alternatives would not result in impacts that would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance and, therefore, would not result in constructive use of this Park.</p>

Table A.1: Resources in the City of Perris Determined Not to Trigger Protection under the Requirements of Section 4(f)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
On- and Off-Street Trails Designated in the City of Perris General Plans. Various public agencies and private parties	There are a number of General Plan-designated trails in the MCP Study Area. Class I trails are trails that are in dedicated rights of way for use by pedestrians, bicyclists, and/or equestrians. Local General Plans have designated two Class I trails in the MCP Study Area: one that is parallel to a long segment of the Ramona Expressway and the second that runs along the San Jacinto River, crossing the Ramona Expressway west of Lakeview Avenue. There is also a wide range of other types of trails, including bicycle facilities within public street rights of way, designated in this area in the local General Plans. The MCP Build Alternatives are parallel to or cross many of the trails. The final design of the selected MCP Build Alternative would accommodate all existing off-street trails at their crossings of the MCP alignment. The MCP Build Alternatives would not impact the trail segments that are generally parallel to the MCP alignments. Therefore, the MCP Build Alternatives would not result in proximity impacts to trails.

Source: LSA Associates, Inc. (2012).

ac = acre/acres
CO = carbon monoxide
ft = foot/feet
I-215 = Interstate 215
MCP = Mid County Parkway
mi = mile/miles
MSATs = mobile source air toxics
PM₁₀ = particulate matter less than 10 microns in size
PM_{2.5} = particulate matter less than 2.5 microns in size
TCE = temporary construction easement

ATTACHMENT B

LIST OF REVIEW QUESTIONS FOR AN AGENCY WITH JURISDICTION OVER A SECTION 4(f) PROPERTY

The questions below will assist the City of Perris in ensuring that the analysis of the potential impacts of the Mid County Parkway (MCP) project on Section 4(f) property(ies) within your jurisdiction is thorough and accurate:

- Have the appropriate Section 4(f) properties (i.e., publicly owned parks and recreation lands including sports yards at public schools if they are used for recreation purposes outside school hours, wildlife and waterfowl refuges, and historic sites) within your agency's jurisdiction been identified and potential project impacts evaluated?
- Is the information describing the 4(f) property(ies) within your agency's jurisdiction correct and current? Is there more information about the Section 4(f) property(ies) that your agency would like incorporated in the Section 4(f) Evaluation?
- Has the primary purpose of the entire Section 4(f) property, and not just the part used by the MCP Build Alternatives, been adequately described?
- Have the anticipated permanent and/or temporary use effects of the MCP Build Alternatives on each Section 4(f) property within your agency's jurisdiction been explained sufficiently?
- Does the information adequately express the significance or importance of the Section 4(f) property to your agency?
- Are the anticipated avoidance and mitigation measures for the use effects sufficient? Does your agency have alternative or additional mitigation to propose for inclusion in the project?

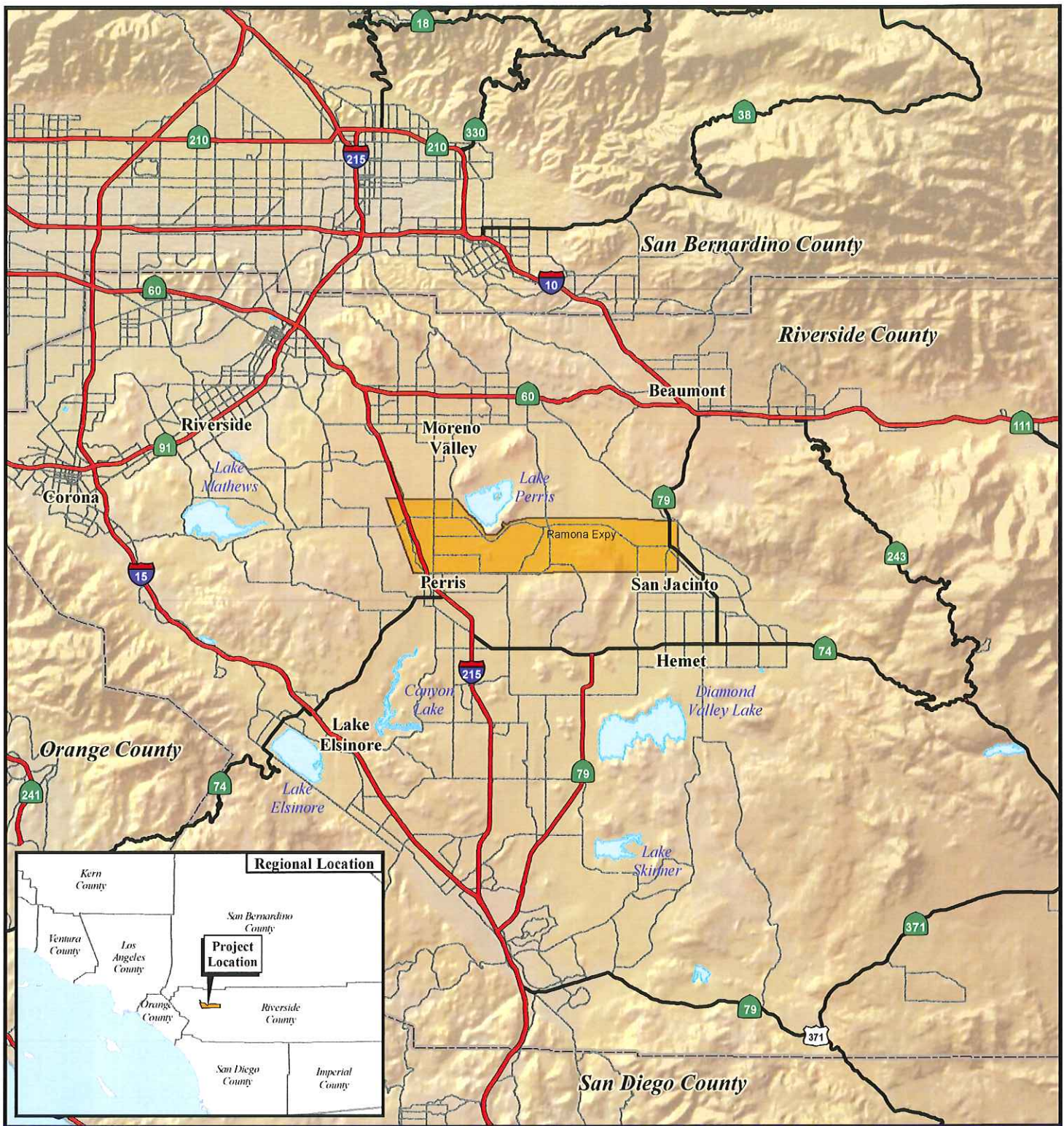
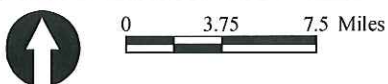


FIGURE 1

LEGEND

Mid County Parkway Study Area

SOURCE: ESRI (2008); TBM (2010), Jacobs Engineering (02/2011)



Project Vicinity and Study Area

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



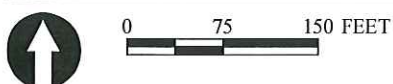


LEGEND

- Alternative 5 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.011 ac)
- Retaining Wall
- Centerlines, Ramps, and Lanes

FIGURE 2

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Basin Park - Alternative 5 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



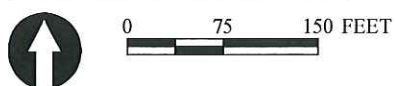


LEGEND

- ▭ Alternative 9 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.097 ac)
- Retaining Wall
- Centerlines, Ramps, and Lanes

FIGURE 3

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



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Basin Park - Alternative 9 Modified
08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)





U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

December 26, 2013

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA

Richard Belmudez
City Manager
City of Perris
135 North D Street
Perris, CA 92570

Subject: Section 4(f) Consultation Regarding Temporary Occupancy of Liberty Park
during Construction of the Mid County Parkway Project

Dear Mr. Belmudez:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in western Riverside County. The MCP project will serve as a major east-west connection and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt a MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 on the west to State Route 79 on the east. A Recirculated Draft Environmental Impact Report (RDEIR)/Supplemental Draft Environmental Impact Statement (SDEIS) for the MCP project were circulated for public review on January 25, 2013 and the Final EIR/EIS is anticipated to be completed in 2014. On November 20, 2013, the MCP Project Development Team identified Alternative 9 Modified with the San Jacinto Bridge and San Jacinto South Design Variations as the preferred alternative.

Section 4(f) of the Department of Transportation Act (1966) codified requirements for Federal agencies when a proposed federal action could or would affect a resource defined as a Section 4(f) property. Federal agencies, including FHWA, are required to consult with the officials with jurisdiction over a Section 4(f) property (23 Code of Federal Regulations [CFR] Part 774). As a publicly owned and operated park, Liberty Park meets the definition of a Section 4(f) property. The City of Perris, as the owner/operator of Liberty Park, is the agency with jurisdiction over this park under Section 4(f). FHWA, as the federal lead agency for the MCP project, is required to document consultation with the City regarding the potential effects of the MCP project on Liberty Park consistent with the requirements of Section 4(f) of the Department of Transportation Act prior to the completion of the Final Environmental Impact Statement for the project. The purpose of this letter is to formally request the City of Perris to review the

temporary occupancy of part of Liberty Park during construction of the MCP project and FHWA's determination that those effects would not result in a permanent, temporary, or constructive use of this Park under the requirements of Section 4(f). This is a follow-up to RCTC's June 7, 2012 letter to Ms. Clara Miramontes, Planning Manager, which initiated consultation with the City regarding the MCP and the potential effects of the MCP on Liberty Park.

Attachment A, Resources Evaluated Relative to the Requirements of Section 4(f) (in Appendix B, Revised Draft Section 4(f) Evaluation, in the RDEIR/SDEIS) evaluated the potential effects of the MCP Build Alternatives on Liberty Park. As indicated in the part of Table A.1 (page A-3 in Attachment A in the RDEIR/SDEIS) related to Liberty Park, Alternative 9 Modified would not result in permanent or constructive use effects at Liberty Park. Alternative 9 Modified would require the temporary use of 0.097 acre of land in Liberty Park during project construction adjacent to the south side of Liberty Park (refer to attached Figure A.3 from Attachment A) as a temporary construction easement.

As shown in the attached part of Table A.1, FHWA has determined that the temporary use of land in Liberty Park for a temporary construction easement by Alternative 9 Modified satisfies or will satisfy the five specific conditions set forth in 23 CFR 771.13(d) and that Section 4(f) will not apply. As shown in Table A.1, the TCE at Liberty Park under Alternative 9 Modified would meet the first four conditions. The final condition is that there must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions.

FHWA is now requesting the City's concurrence that Section 4(f) would not apply and that the temporary use of land in Liberty Park for a TCE during construction of Alternative 9 Modified satisfies the five conditions in 23 CFR 771.13(f) for a determination of a temporary occupancy and that the requirements of Section 4(f) would not be triggered by the TCE for the construction of the retaining wall adjacent to Liberty Park under Alternative 9 Modified.. A signature block is provided with this letter for your convenience.

If you have any questions or would like to discuss this in more detail, please contact me at 916-498-5048. Thank you for your interest and participation in the Section 4(f) consultation regarding Liberty Park.

Sincerely,



For: Vincent Mammano
Division Administrator

Attachment:

Figure A.3: Liberty Park: Alternative 9 Modified

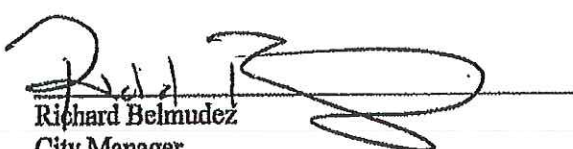
Modified Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f) (Discusses Alternative 9 Modified only at Liberty Park)

4

City of Perris Concurrence on the Temporary Use of Land at Liberty Park by the MCP Project

The City of Perris appreciates the opportunity to participate in the Section 4(f) concurrence process for the Mid County Parkway (MCP) project. The City understands that the Riverside County Transportation Commission, the Federal Highway Administration, and the California Department of Transportation are proposing the construction of the MCP project. The construction of Alternative 9 Modified will require the temporary use of 0.097 acre of land in Liberty Park during the construction of a retaining wall in the MCP right-of-way adjacent to the southwest side of Liberty Park.

My signature below represents written concurrence from the City of Perris with the temporary occupancy finding that Alternative 9 Modified would not adversely affect the activities, features, and attributes that qualify Liberty Park for protection under Section 4(f) and, as a result, Section 4(f) would not apply.


Richard Belmudez
City Manager
City of Perris

Date

2/20/14

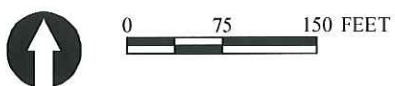


FIGURE A.3

LEGEND

- Alternative 9 Modified Limits of Proposed Improvements
- Grading Limits: Cut
- Grading Limits: Fill
- Temporary Construction Easement (0.097 ac)
- Retaining Wall
- Centerlines, Ramps, and Lanes

SOURCE: Jacobs Engineering (02/2011); Eagle Aerial (3/2010); Epic Land Solutions (4/2011)



Liberty Park - Alternative 9 Modified

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



Modified Table A.1: Resources Determined Not to Trigger Protection under the Requirements of Section 4(f) (Discusses Alternative 9 Modified only at Liberty Park)

Owner/Operator, Location, and Description of Resource	Why Resource Does Not Trigger Protection under Section 4(f)
<p>Liberty Park. This Park is owned and operated by the City of Perris. It is located at the corner of Evans Road and Kestrel Gate. This 9 ac Park includes two tot lots, picnic tables, a walkway, a large open turf area, restrooms, and off-street parking.</p>	<p>Alternative 9 Modified would not result in any permanent surface, aerial, or subsurface easements at, or the permanent use of any land from, Liberty Park.</p> <p>The proximity impacts of Alternative 9 Modified at this Park would not substantially impair the protected activities, features, or attributes of this resource in terms of its Section 4(f) significance. As a result, Alternative 9 Modified would not result in constructive use of this Park.</p> <p>Alternative 9 Modified would require the use of 0.097 ac of land from Liberty Park for a TCE during construction of a retaining wall in the MCP right of way, immediately south of the south side of the park, as shown on Figure A.3. For the purposes of Section 4(f), such temporary occupancy of a Section 4(f) resource does not normally constitute use if five specific conditions are met (23 CFR 774.13(d)). Those conditions would be met for the proposed TCE at Liberty Park under Alternative 9 Modified as follows:</p> <p><u>Duration must be temporary (i.e., less than the time needed for construction of the project), and there should be no change in ownership of the land:</u> The duration of construction for the retaining wall would be approximately 3 months, which is substantially less than the time needed to construct the entire project. There would be no change in the ownership of this land during the construction of the retaining wall.</p> <p><u>Scope of the work must be minor (i.e., both the nature and the magnitude of the changes to the Section 4(f) property are minimal):</u> The scope of work is very minor and would be limited to the construction of the footings of the wall and the wall itself. The footings and wall would not result in changes to the parts of Liberty Park used for active and passive recreation activities.</p> <p><u>There are no anticipated permanent adverse physical impacts, nor would there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis:</u> The construction of the footings and the wall would not result in any permanent adverse physical impacts to Liberty Park and would not interfere with the protected activities, features, or attributes of Liberty Park on either a temporary or permanent basis.</p> <p><u>The land being used must be fully restored (i.e., the property must be returned to a condition that is at least as good as that which existed prior to the project):</u> The land being used for the TCE would be returned to a condition that is at least as good as that which existed prior to the project.</p> <p><u>There must be documented agreement of the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions:</u> It is expected that the City will provide written concurrence that the temporary use of 0.097 ac of land in Liberty Park during construction of Alternative 9 Modified meets the conditions cited above and the TCE does not constitute a use under Section 4(f). As a result, the requirements for protection under Section 4(f) would not be triggered by the TCE for the construction of the retaining wall adjacent to Liberty Park under Alternative 9 Modified.</p>

Source: LSA Associates, Inc. (2013).

ac = acre

CFR = Code of Federal Regulations

MCP = Mid County Parkway

TCE = temporary construction easement



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

December 26, 2013

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA

Scott Sewell
Wildlife Habitat Supervisor II
Area Manager, San Jacinto Wildlife Area
California Department of Fish and Wildlife
P.O. Box 1254
Nuevo, CA 92567

Subject: Section 4(f) Consultation Regarding the Effects of the Mid County Parkway
Project on the San Jacinto Wildlife Area

Dear Mr. Sewell:

The Riverside County Transportation Commission (RCTC), in cooperation with the Federal Highway Administration (FHWA) and the California Department of Transportation District 8, proposes to construct the Mid County Parkway (MCP) project, a new freeway in western Riverside County. The MCP project will serve as a major east-west connection and will provide for regional movement to eastern Riverside County, and west to Los Angeles and Orange Counties. The proposed action would adopt a MCP project alignment and construct a major, limited access facility to meet current and projected 2040 travel demand from Interstate 215 on the west to State Route 79 on the east. A Recirculated Draft Environmental Impact Report (RDEIR)/Supplemental Draft Environmental Impact Statement (SDEIS) for the MCP project was circulated for public review on January 25, 2013 and the Final EIR/EIS is anticipated to be completed in 2014. On November 20, 2013, the MCP Project Development Team identified Alternative 9 Modified with the San Jacinto Bridge and San Jacinto South Design Variations as the preferred alternative. A copy of the RDEIR/SDEIS is provided for your reference on the enclosed compact disc.

The purpose of this letter is to formally request the California Department of Fish and Wildlife (CDFW) to review the permanent use of land from the San Jacinto Wildlife Area by the MCP Build Alternatives and FHWA's determination that those effects, with mitigation, would result in a net benefit to the San Jacinto Wildlife Area under Section 4(f). Section 4(f) of the Department of Transportation Act of 1966 (codified at 49 United States Code 303) declares "...it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Section 4(f) requires a project proponent to consult with the owner having jurisdiction over each property identified as protected under Section 4(f) prior to the completion of the Final Environmental Impact Statement for the project. The purpose of this consultation

with the owner is to review the information regarding each Section 4(f) property, including the significance of that property, the primary purpose of that property, potential use impacts to that property by the preferred alternative, and measures that have been incorporated in the project to avoid or minimize those use impacts.

Chapter 7.0, Use of Nationwide Programmatic Section 4(f) Evaluation for the San Jacinto Wildlife Area (starting on page 7-1 in Appendix B, Revised Draft Section 4(f) Evaluation, in the RDEIR/SDEIS), evaluated the potential effects of the MCP Build Alternatives on the San Jacinto Wildlife Area. As documented in that Chapter, Alternative 9 Modified for the MCP would result in the permanent use of 3.0 acres (ac) of land in the southern part of the approximately 20,000 ac San Jacinto Wildlife Area. That parcel is discontinuous and separated from the rest of the San Jacinto Wildlife Area by Bernasconi Road (refer to attached Figure 7.1 from Chapter 7.0 in Appendix B). The remaining 0.4 ac in that triangular parcel will also be acquired for the MCP project based on input from CDFW that the 0.4 ac remainder parcel would have significantly reduced habitat value and would create an administrative burden on CDFW (please refer to the February 8, 2012, email from CDFW cited on page 7-40 in Chapter 7.0 in

Appendix B). As a result, the total amount of land in the San Jacinto Wildlife Area that would be acquired for Alternative 9 Modified is 3.4 ac which is approximately 0.01 percent of the total area of the San Jacinto Wildlife Area.

FHWA has prepared a Nationwide Programmatic Section 4(f) Evaluation (April 19, 2005) that can be used for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, the use of which in the view of FHWA and the official with jurisdiction over the Section 4(f) property will result in a net benefit to that property.

As defined in the Nationwide Programmatic Section 4(f) Evaluation, a net benefit "...is achieved when the transportation use, the measures to minimize harm and the mitigation incorporated into the project result in an overall enhancement of the Section 4(f) property when compared to both the future do-nothing or avoidance alternatives and the present condition of the Section 4(f) property, considering the activities, features and attributes that qualify the property for Section 4(f) protection. A project does not achieve a "net benefit" if it will result in a substantial diminishment of the function or value that made the property eligible for Section 4(f) protection."

The effects of Alternative 9 Modified on the San Jacinto Wildlife Area were considered in the context of that Nationwide Programmatic Section 4(f) Evaluation as discussed in detail in Chapter 7.0 (in Appendix B in the RDEIR/SDEIS). As noted earlier, Alternative 9 Modified will result in the permanent acquisition of 3.4 ac of land from the San Jacinto Wildlife Area. To mitigate that adverse effect on the San Jacinto Wildlife Area, RCTC will acquire and deed to CDFW 6.8 ac of land adjacent to the Davis or Potrero Units of the San Jacinto Wildlife Area or another area acceptable to CDFW (refer to Measure SJWA-1 in Chapter 7.0 in Appendix B). With implementation of that mitigation, the MCP project will result in the following net benefits to the San Jacinto Wildlife Area:

- Replacement of 3.4 ac of land discontinuous from the rest of the San Jacinto Wildlife Area with 6.8 ac of land from areas adjacent to the Davis or Potrero units of the San Jacinto Wildlife Area or another area acceptable to the CDFW
- Replacement of 3.4 ac of land with limited biological resource values with 6.8 ac of land with higher biological resource values

FHWA has made a determination that, with the above mitigation, Alternative 9 Modified would result in a net benefit to the San Jacinto Wildlife Area and would meet the conditions stipulated in the 2005 Nationwide Section 4(f) Programmatic Evaluation for projects with net benefits.

As required under Section 4(f), FHWA is now requesting written concurrence from CDFW that the use of 3.4 ac of land from the San Jacinto Wildlife Area would be mitigated through implementation of Measure SJWA-1 and, therefore, Alternative 9 Modified would result in a net benefit to the San Jacinto Wildlife Area, consistent with the 2005 Nationwide Programmatic Section 4(f) Evaluation. A signature block is provided with this letter for your convenience.

If you have any questions or would like to discuss this in more detail, please contact Shawn Oliver at 916-498-5048 or Larry Vinzant at 498-5040. Thank you for your interest and participation in the Section 4(f) consultation regarding the San Jacinto Wildlife Area.

Sincerely,



For: Vincent Mammano
Division Administrator

Attachments:

Figure 7.1: Use of Land in the San Jacinto Wildlife Area by the MCP Build Alternatives

Copy of the RDEIR/SDEIS on a compact disc

California Department of Fish and Wildlife Concurrence on the Permanent Use of Land from, and the Net Benefits to, the San Jacinto Wildlife Area by the MCP Project

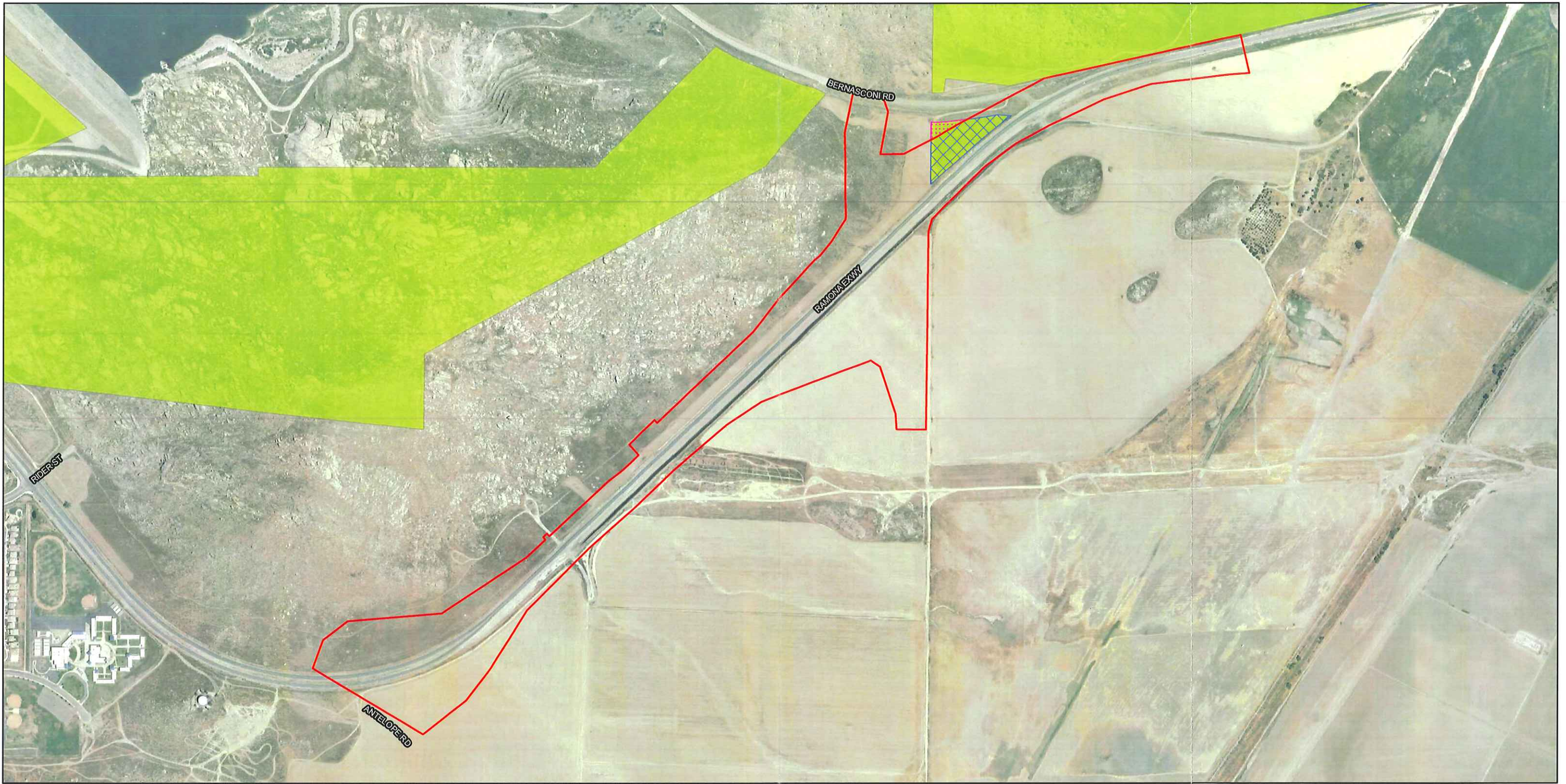
The California Department of Fish and Wildlife (CDFW) appreciates the opportunity to participate in the Section 4(f) concurrence process for the Mid County Parkway (MCP) project. CDFW understands that the Riverside County Transportation Commission, the Federal Highway Administration, and the California Department of Transportation are proposing the construction of the MCP project in western Riverside County. Alternative 9 Modified will require the permanent use of 3.4 acres of land in the San Jacinto Wildlife Area which will be mitigated based on implementation of Measure SJWA-1 in the Recirculated Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement. With implementation of that mitigation, the CDFW concurs that the MCP project will result in the following net benefits to the San Jacinto Wildlife Area:

- Replacement of 3.4 ac of land discontiguous from the rest of the San Jacinto Wildlife Area with 6.8 ac of land from areas adjacent to the Davis or Potrero units of the San Jacinto Wildlife Area or another area acceptable to the CDFW
- Replacement of 3.4 ac of land with limited biological resource values with 6.8 ac of land with higher biological resource values

My signature below represents written concurrence from CDFW with the findings that Alternative 9 Modified would result in net benefits to the San Jacinto Wildlife Area and would not adversely affect the activities, features, and attributes that qualify the San Jacinto Wildlife Area for protection under Section 4(f).

Scott Sewell, Wildlife Habitat Supervisor II
Area Manager, San Jacinto Wildlife Area

Date



LEGEND

- Proposed MCP ROW
- San Jacinto Wildlife Area
- Area in the San Jacinto Wildlife Area used by the MCP Build Alternatives (3.0 acres)
- Additional Area in the San Jacinto Wildlife Area that will be acquired (0.4 acre)

Total acres in the San Jacinto Wildlife Area used by the MCP Build Alternatives: 3.4 acres

SOURCE: CDFG (2011), Jacobs Engineering (2012), Eagle Aerial (3/2010)

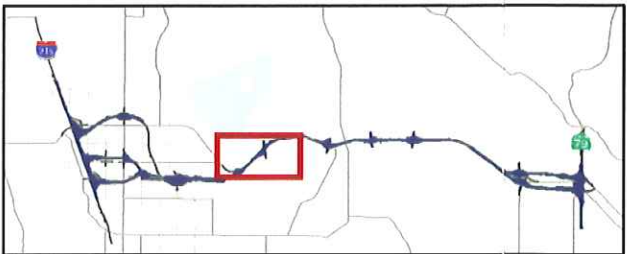
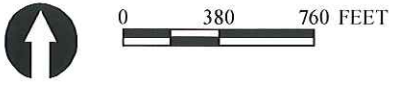


FIGURE 7.1

Use of Land in the San Jacinto Wildlife Area by the MCP Build Alternatives

08-RIV-MCP PM 0.0/16.3; 08-RIV-215 PM 28.0/34.3
EA 08-0F3200 (PN 0800000125)



Janet Cutler

Subject: FW: MCP 4(f) at SJWA

Importance: High

From: Pert, Heather@Wildlife [<mailto:Heather.Pert@wildlife.ca.gov>]

Sent: Friday, March 14, 2014 3:15 PM

To: Larry.Vinzant@dot.gov

Cc: Shawn.Oliver@dot.gov; Tay.Dam@dot.gov; Rob McCann; Konno, Eddy@Wildlife; Brandt, Jeff@Wildlife; Sewell, Scott@Wildlife

Subject: RE: 4(f) at SJWA

Hi Larry,

I apologize for delays. I talked with Eddy Konno and Jeff Brandt last week but Scott Sewell (SJWA habitat manager) was not able to attend that meeting. So, we met yesterday with Eddy and Scott. I've also been trying to figure out how this miscommunication has occurred because I do feel the Department was not expecting to sign a document saying a net benefit will occur to the SJWA from the MCP. And I do strive to work openly, thoroughly, and in good faith on any project so this situation at this stage in the process is troubling to me. After reviewing correspondence, MCP documents, Section 4(f) guidelines online on the federal and state websites I think the following has occurred:

- 1) The Department has two roles in this project: regulatory (Habitat Conservation staff) and land-owner/manager (Lands Staff). These two functions work separately most of the time so there has to be an effort to reach out to both groups. One of the requirements of the Section 4(f) is consultation and coordination with the officials that have jurisdiction over the property. In the case of wildlife areas this is defined as: "official(s) of the agency or agencies that own or administer the property in question and who are empowered to represent the agency on matters related to the property". In this instance, that would be our Lands Staff not our Habitat Conservation staff. At the onset of the coordination, the question should have been asked of the Department who manages and or administers the property and are they involved in this discussion? During the Section 4(f) more consultation and coordination should have occurred with the CDFW lands staff (Eddy Konno and Scott Sewell) - site visits to identify concerns would have been informative and may have avoided this situation.
- 2) In an effort to better understand what is required for the 4(f) consultation since this is not typically a process our staff participates in, I looked at the Caltrans website which has a checklist which includes considering the following during the 4(f) analyses: the amount of land to be used, the facilities, functions, and/or activities affected, accessibility, visual, noise, vegetation, wildlife, air quality, and water quality (<http://www.fhwa.dot.gov/cadiv/docs/4fcheck.cfm>); I reviewed the Section 4(f) information for nationwide programmatic evaluation process for Transportation Projects That Have a Net Benefit to a Section 4(f) Property on the Federal website (<http://www.environment.fhwa.dot.gov/4f/4fnetbenefits.asp>), and contacted the person listed (Mary Ann Naber) there for clarification on "environmental impacts". Her email described it as "environmental impacts means the full range of impacts to the natural, social, and built environment, including reasonably foreseeable effects that may occur over time or at a distance". With the above criteria in mind, I reviewed the draft Section 4(f) document attached to the draft EIR/EIS released in Jan 2013. The Section 4(f) analysis for SJWA looked at amount of land to be used but did not address other factors such as "the facilities, functions, and/or activities affected, accessibility, visual, noise, vegetation, wildlife, air quality, water quality". Further, the federal website (<http://www.environment.fhwa.dot.gov/4f/4fnetbenefits.asp>) states that "To support the finding, adverse factors associated with the no-build and avoidance alternatives, such as environmental impacts, safety and geometric problems, decreased transportation service, increased costs, and any other factors may be considered collectively. One or an accumulation of these kinds of factors must be of extraordinary magnitude when compared to the proposed use of the Section 4(f) property to determine that an alternative is not feasible and prudent. The net impact of the do-nothing or build alternatives must also consider the function and value of the Section 4(f) property before and after project implementation as well as the physical and/or functional relationship of the Section 4(f) property to the surrounding area or community."

Given all of this, the Department feels that the net benefits analysis was too narrow in focus by only addressing the acres impacted and should have considered a range of factors that may affect the wildlife area.

I would suggest a meeting with Eddy Konno, Jeff Brandt, and me to discuss the concerns the Department has regarding the potential impacts the Mid County Parkway may have on the Wildlife Area. You requested items to address, so the following is provided for that effort.

Concerns for the San Jacinto Wildlife Area that relate to the Mid County Parkway include, but are not limited to:

- 1) Roadway will use 3.4 acres of SJWA property.
- 2) Wider road from 2-lane to 6-lane will result in increased wildlife mortality and potential isolation of the wildlife area along the southern edge through loss of connectivity and proposed development. The Parkway will support growth (such as the proposed Villages of Lakeview) along the Wildlife Area boundaries which will result in more complaints about noise from new homeowners during hunting season, increased pets on the wildlife area, more conflict between different types of recreational use, etc. Given these pressures it is important to ensure that the wildlife area does not become isolated along the southern edge by maintaining wildlife corridors and connectivity. It is very important to maintain access to the two southern linkages (San Jacinto River and Proposed Constrained Linkage 20).
- 3) Increased trash, noise, and lighting along the wildlife area from increased traffic
- 4) Higher fire risk from increased number of vehicles using the parkway (for example: most of the fires on the Potrero unit of SJWA started on the interface of the wildlife area and SR-79/Beaumont Ave which runs along the western edge of the property).
- 5) A review of historical flood control aerial photos shows that the culvert in the Ramona expressway, to the west of the bridge, contributes to flooding on the Wildlife Area because the existing culvert appears to be inadequate. Water impounds behind Ramona Expressway because it can't flow off the wildlife area through the culvert at a fast enough rate. The new bridge will not help address the flooding issue on the wildlife area nor will it help restore floodplain function along the San Jacinto River linkage if the old bridge remains in place. The decision to leave the old bridge rather than replace it results in continuing impairment of the wildlife area during high flow events.
- 6) Increased pollution from car exhaust
- 7) Increased invasive species

Current Proposed mitigation:

- 1) Replacement of the 3.4 acres with 6.8 acres of land adjacent to the Wildlife Area.
- 2) Two wildlife crossings, the larger crossing (20'*12'*210') would also be mixed use for humans and wildlife including equestrian use. The Department has concerns about the efficacy of a mixed-use tunnel, especially if the species using the tunnel are mountain lion and deer. The FHWA's document Wildlife Crossing Structure Handbook (see hotspot 7 for multiuse underpasses at http://www.cflhd.gov/programs/techDevelopment/wildlife/documents/01_Wildlife_Crossing_Structures_Handbook.pdf) recommended dimension for mixed use is 23' wide. In addition, the FHWA handbook indicates the multi-use tunnels are more suitable to generalist species that can tolerate human interaction. There needs to be discussion about the adequacy of the proposed wildlife crossings. Other measures identified in current wildlife crossing manuals, such as the FHWA document, should be included such as sound attenuation walls.
- 3) Fencing around the two wildlife crossing but not along the entire roadway. We recommended small mammal fencing along the length of Ramona Expressway, especially in the areas identified for long-term conservation in the criteria cells.

Additional measures needed to avoid harm:

- 4) Wildlife crossings that are at appropriate intervals and of the correct size and structure (including sized for larger animals such as mule deer and mountain lion even though they are not planning species for this area they are found on the wildlife area). I would recommend an independent group (such as USGS) that has researched crossings evaluate the proposed crossings.

- 5) Fencing along the entire stretch of roadway south of SJWA, not just around the wildlife crossings as is currently proposed. Include fencing for small animals. Need to identify of who is responsible for the long-term maintenance of the fence.
- 6) Regular maintenance of wildlife crossings, culverts, and fencing (at least twice a year) with an identified funding source.
- 8) Increased trash patrols along the road.
- 9) Wildlife appropriate lightening, will need to review current guidelines before providing additional information.
- 10) Fire prevention and spread of invasive species – need discussion on how this can be addressed.
- 11) Control of access points along the Ramona Expressway that may allow non-authorized use onto the wildlife area such as OHV users.

To provide a net benefit:

- 12) Address the flooding problem on the Wildlife Area

Solutions:

- a. Removal of the original bridge so that the wildlife area is no longer used as a ponding facility and floodplain function is restored. The proposed replacement bridge has a wider span that would allow flow off the wildlife area at a faster rate, however, this benefit is diminished by the proposal to leave the existing Ramona Expressway in place. This could also maintain an important wildlife linkage along the San Jacinto.
- b. If Ramona Expressway cannot be completely removed from the floodplain, then modify the remnant portion of Ramona Expressway so that it does not impair flow during high flow events.

We would like to set up a meeting to discuss this at your convenience.

Best,
Heather

Heather A. Pert, PhD

Inland Desert Region, R6

Senior Environmental Scientist

California Department of Fish & Wildlife

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858-395-9692 (mobile and only number)

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ATTACHMENT C
MEASURES APPLICABLE IN THE VICINITY OF THE
SAN JACINTO WILDLIFE AREA

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ATTACHMENT C

MEASURES APPLICABLE IN THE VICINITY OF THE SAN JACINTO WILDLIFE AREA

C.1 OVERVIEW

Compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and other measures provided in the Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) address the potential short- and long-term impacts of the Mid County Parkway (MCP) project, as described in the following sections.

C.2 WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

As discussed in Section 3.17 in the Final EIR/EIS, the MCP project will comply with the applicable guidelines and requirements in the Western Riverside county MSHCP as follows.

C.2.1 Compliance with the Western Riverside County MSHCP Urban/Wildlands Interface Guidelines

The MCP project will comply with the Urban/Wildlands Interface Guidelines in Section 6.1.4 of the Western Riverside County MSHCP. The following sections discuss the Western Riverside County MSHCP Section 6.1.4, Urban/Wildlands Interface Guidelines and features that have been incorporated into the design of the MCP project to reduce edge effects.

Drainage. The Urban/Wildlands Interface Guidelines indicate that proposed developments in proximity to the Western Riverside County MSHCP Conservation Area are to incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the Western Riverside County MSHCP Conservation Area are not altered in an adverse way when compared with existing conditions.

The MCP project includes measures to reduce discharge of untreated surface runoff from developed and paved areas into the Western Riverside County MSHCP Conservation Area. Proposed Treatment best management practices (BMPs) include biofiltration swales and infiltration basins. The BMPs would be designed to target removal of suspended solids, metals, toxins, chemicals, petroleum products, or other elements that might degrade or harm biological resources or ecosystem processes within the Western Riverside County MSHCP Conservation Area. Erosion control measures would include the rock slope protection and erosion-control mix on the new slopes. The MCP project will comply with all NPDES permit requirements.

Toxics. The Urban/Wildlands Interface Guidelines indicate that land uses proposed in proximity to the Western Riverside County MSHCP Conservation Area that use chemicals or generate bioproducts that may adversely affect wildlife species or water quality are to incorporate measures to ensure that the application of such chemicals does not result in discharge to the Western Riverside County MSHCP Conservation Area. The Urban/Wildlands Interface Guidelines also indicate that measures such as those employed to address drainage issues shall be implemented.

During operation and maintenance of the MCP facility, pesticides and/or herbicides may be used to control vegetation and pests within the facility right of way as part of ongoing regular maintenance activities. The application of pesticides and herbicides will comply with existing laws and regulations and will be conducted consistent with Chapter C2, Vegetation Control (2010), in Volume 1 of the California Department of Transportation (Caltrans) Maintenance Manual. Those requirements include appropriate control of pesticides and herbicides to avoid drifting of sprays or other materials to property outside the MCP facility right of way limits and to avoid effects on plants and animals outside of the right of way. As a result, the use of pesticides and herbicides during project operations would not result in substantial impacts on biological resources on adjacent properties because the pesticides and herbicides would remain within the MCP facility right of way.

Lighting. The Urban/Wildlands Interface Guidelines indicate that night lighting is to be directed away from the Western Riverside County MSHCP Conservation Area and habitat with long-term conservation values for the Los Angeles pocket mouse, San Bernardino kangaroo rat, and least Bell's vireo, to protect those species from direct night lighting. The Urban/Wildlands Interface Guidelines also indicate that shielding shall be incorporated in the project design to ensure ambient lighting in the Western Riverside County MSHCP Conservation Area is not increased.

Within the MCP study area, existing urban and suburban areas receive light at night from traffic, street lighting, and lighted parking lots; signalization at the intersections and freeway on- and off-ramps; and commercial zone and limited light sources from residential development. Existing lighting on existing streets and the I-215 freeway would be modified or relocated as a part of the MCP project. Safety lighting would also be provided along the MCP facility in existing developed areas and at interchanges, which are all located outside Public/Quasi-Public lands.

Light and glare would increase as a result of the MCP project in those areas that are currently open space or are rural in character. To minimize light spill into adjoining areas, light fixtures would be designed with hoods that would direct light downward to only those areas requiring illumination for safety purposes. Further, low pressure sodium lights would be used (in compliance with County of Riverside Ordinance No. 655, Regulating Light Pollution for Zone B) for the MCP project.

Noise. The Urban/Wildlands Interface Guidelines indicate that proposed noise-generating land uses affecting the Western Riverside County MSHCP Conservation Area are to incorporate setbacks and/or berms, to minimize the effects of noise on Western Riverside County MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. For planning purposes, wildlife within the Western Riverside County MSHCP Conservation Area should not be subjected to noise that would exceed residential noise standards.

In areas where the MCP facility adjoins or bisects the MSHCP Conservation Area, bridges and wildlife crossings have been incorporated into the design to minimize effects to the MSHCP

Conservation Area. At Proposed Constrained Linkage 20, Wildlife Crossing No. 10 has been designed to facilitate wildlife movement between the Lake Perris/San Jacinto Wildlife Area and the Lakeview Mountains. The wildlife crossing entrance will be designed to minimize noise effects to the adjacent MSHCP Conservation Area and ensure that noise effects do not exceed residential noise standards. During final design, the Riverside County Transportation Commission (RCTC) will ensure that the placement of berms between the wildlife crossing entrances, or utilizing solid walls rather than fencing to funnel wildlife into the wildlife crossing, will be considered in order to attenuate noise effects to the Western Riverside County MSHCP Conservation Area and in order to comply with "Specific Initial Guidelines for Wildlife Movement Design Considerations within the Criteria Area" of MSHCP Section 7.5.2.

The MCP project will provide noise barriers where necessary to provide attenuation of substantial adverse noise impacts of the MCP project for existing and approved noise-sensitive land uses. No other barriers are proposed adjacent to conservation areas, as these areas are meant to be kept as open and permeable as possible for wildlife and scenic resources. Noise barriers along the San Jacinto River at Lakeview and in San Jacinto would conflict with other considerations meant to enhance wildlife. Additional studies regarding noise levels at the MSHCP Conservation Area located within the MCP study area were not conducted because the Noise Abatement Criteria (the applicable regulations related to noise standards) apply only to areas with frequent human use.

Invasives. The Urban/Wildlands Interface Guidelines provides a list of plants that should be avoided adjacent to the Western Riverside County MSHCP Conservation Area (Table 6-2 of the Western Riverside County MSHCP, which is also summarized in Appendix P of the 2008 NES). For parts of the MCP project that are adjacent to the Western Riverside County MSHCP Conservation Area, avoidance of these species is to be incorporated into the project design or landscape plans. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the Western Riverside County MSHCP Conservation Area; species considered in the planting plans; resources being protected within the Western Riverside County MSHCP Conservation Area and their relative sensitivity to invasion; and barriers to plant and seed dispersal such as walls, topography, and other features.

During operation and maintenance of the MCP facility, the application of pesticides and herbicides will comply with existing laws and regulations and Chapter C2, Vegetation Control (2010), in Volume 1 of the Caltrans Maintenance Manual, to avoid drifting of sprays or other materials to property outside the MCP facility right of way limits and to avoid effects on plants and animals outside the right of way.

The landscaping for the MCP project for unpaved areas within the MCP project right of way will focus on native plant species, particularly in areas adjacent to undeveloped land and reserve areas with native plant species. None of the plant species listed in the Western Riverside County MSHCP that should be avoided adjacent to the Conservation Area will be used as part of the landscaping plans. Seed mixtures for parts of the MCP project under Caltrans jurisdiction shall be approved by a Caltrans District Landscape Architect.

Indirect impacts of the MCP Build Alternatives spreading invasive plant species along a larger facility will be reduced by regular roadside maintenance to remove litter and weeds from the right of way.

Barriers. The Urban/Wildlands Interface Guidelines indicate that projects should incorporate barriers, where appropriate, to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in the Western Riverside County MSHCP Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.

Permanent fencing will be installed along the right-of-way limits for the entire length of the MCP project, including areas adjacent to MCP Conservation Areas. Permanent fencing will be located up to the grading limits at the bridged areas adjacent to MCP Conservation Areas and will minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in the Western Riverside County MSHCP Conservation Area.

To reduce impacts resulting from habitat fragmentation within the Western Riverside County MSHCP Conservation Area, the MCP project has incorporated design features such as bridges and wildlife crossings that will facilitate habitat connectivity and wildlife movement within the Western Riverside County MSHCP Conservation Area.

Grading/Land Development. The Urban/Wildlands Interface Guidelines require that manufactured slopes associated with proposed site development not extend into the Western Riverside County MSHCP Conservation Area. There will not be any manufactured slopes outside of the MCP project footprint.

C.2.2 Compliance with the Western Riverside County MSHCP Best Management Practices, the Siting and Design Criteria, and Construction Guidelines

The MCP project will implement the following Design and Construction Guidelines provided in the Western Riverside County MSHCP:

- BMPs provided in Appendix C of the Western Riverside County MSHCP
- The Siting and Design Criteria provided in Section 7.5.1 of the Western Riverside County MSHCP
- The Guidelines for Construction of Wildlife Crossings provided in Section 7.5.2 of the Western Riverside County MSHCP.

The MCP project will comply with the following Construction Guidelines provided in the Western Riverside County MSHCP, Section 7.5.3:

- Plans for water pollution and erosion control will be prepared by RCTC. The plans will describe sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices, [and] use of plant material for erosion control. The plans will be reviewed and approved by the County of Riverside and participating jurisdictions prior to construction.

- The timing of construction activities will consider seasonal requirements for breeding birds and migratory nonresident species. Habitat clearing will be avoided during species active breeding season defined as March 1 to June 30.¹
- Sediment and erosion control measures will be implemented until such time that soils are determined to be successfully stabilized.
- Short-term stream diversions will be accomplished by use of sandbags or other methods that will result in minimal in-stream impacts. Short-term diversions will consider effects on wildlife.
- Silt fencing or other sediment trapping materials will be installed at the downstream end of construction activities to minimize the transport of sediments off site.
- Settling ponds where sediment is collected will be cleaned in a manner that prevents sediment from re-entering the stream or damaging/disturbing adjacent areas. Sediment from settling ponds will be removed to a location where sediment cannot re-enter the stream or surrounding drainage area. Care will be exercised during removal of silt fencing to minimize release of debris or sediment into streams.
- No erodible materials will be deposited into water courses. Brush, loose soils, or other debris material will not be stockpiled within stream channels or on adjacent banks.
- The footprint of disturbance will be minimized to the maximum extent feasible. Access to sites will occur on pre-existing access routes to the greatest extent possible.
- Equipment storage, fueling, and staging areas will be sited on nonsensitive upland habitat types with minimal risk of direct discharge into riparian areas or other sensitive habitat types.
- The limits of disturbance, including the upstream, downstream, and lateral extents, will be clearly defined and marked in the field. Monitoring personnel will review the limits of disturbance prior to initiation of construction activities.
- During construction, the placement of equipment within the stream or on adjacent banks or adjacent upland habitats occupied by covered species that are outside of the project footprint will be avoided.
- Exotic species removed during construction will be properly handled to prevent sprouting or regrowth.
- Training of construction personnel will be provided.
- Ongoing monitoring and reporting will occur for the duration of the construction activity to ensure implementation of BMPs.
- When work is conducted during the fire season (as identified by the Riverside County Fire Department [RCFD]) adjacent to coastal sage scrub or chaparral vegetation, appropriate firefighting equipment (e.g., extinguishers, shovels, and water tankers) shall be available on site during all phases of project construction to help minimize the chance of human-caused wildfires. Shields, protective mats, and/or other fire prevention methods shall be used during grinding, welding, and other spark-inducing activities. Personnel trained in fire hazards, preventative

¹ Although this is the date specified in Appendix C of the western Riverside County MSHCP, to comply with the Migratory Bird Treaty Act, the breeding season will be defined as February 15 to September 15. Habitat clearing for the MCP project will be conducted from September 16 to February 14.

actions, and responses to fires shall advise contractors regarding fire risk from all construction-related activities.

- Active construction areas shall be watered regularly to control dust and minimize impacts to adjacent vegetation.
- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances shall occur only in designated areas within the proposed grading limits of the project site. These designated areas shall be clearly marked and located in such a manner as to contain runoff.
- Waste, dirt, rubble, or trash shall not be deposited in the Conservation Area or on native habitat.

The MCP project will also comply with the following provisions in Appendix C of the Western Riverside County MSHCP (some of these provisions are very similar to the provisions in Section 7.5.3):

- A qualified biologist shall conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the Western Riverside County MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.
- Water pollution and erosion control plans shall be developed and implemented in accordance with Regional Water Quality Control Board (RWQCB) requirements.
- The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via preexisting access routes to the greatest extent possible.
- The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.
- Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.
- Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian bird species identified in MSHCP Global Species Objective No. 7.
- When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal in stream impacts. Silt fencing or other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments off site. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.
- Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary

precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

- Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.
- The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
- The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to preexisting contours and revegetated with appropriate native species.
- Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.
- To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).
- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.
- RCTC shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

C.2.3 Adherence to Western Riverside County MSHCP Section 6.4-Fuels Management

As a covered activity, the MCP project will comply with and implement the fuels management guidelines in Section 6.4 of the Western Riverside County MSHCP.

Fuels management focuses on hazard reduction for humans and their properties. Fuels management for human safety will be conducted in a manner that is compatible with public safety and conservation of biological resources. Fuels management for human hazard reduction involves reducing fuel loads in areas where fire may threaten human safety or property, suppressing fires once they have started, and providing access for fire suppression equipment and personnel. It is recognized that brush management to reduce fuel loads and protect urban uses and public health and safety shall occur where development (including roadways such as the MCP project) is adjacent to the Western Riverside County MSHCP Conservation Area.

The following scenarios related to brush management adjacent to the Western Riverside County MSHCP Conservation Area are pertinent to the MCP project, including the preferred alternative:

- Where existing reserves occur adjacent to existing developed areas, the brush management zone may encroach into the Western Riverside County MSHCP Conservation Area.
- Where Reserve Assembly proceeds adjacent to existing developed areas, Western Riverside County MSHCP Conservation Area boundaries should be established to avoid such encroachment wherever possible. When acquiring lands for the MCP project, RCTC shall evaluate fire management issues.
- In accordance with existing policies, brush management shall be incorporated in the MCP project boundaries and shall not encroach into the Western Riverside County MSHCP Conservation Area.

C.3 AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES FROM THE EIR/EIS

In addition to compliance with the detailed requirements in the Western Riverside County MSHCP described in Section C.2, above, there are extensive measures provided in the Final EIR/EIS that address potential short- and long-term effects of the MCP Build Alternatives including potential effects at the San Jacinto Wildlife Area. Those measures are described in the following sections. Please note that all the components of each measure may not be applicable to the San Jacinto Wildlife Area.

C.3.1 Utilities and Services (Fire Protection)

U&ES-1 Fire Protection. Prior to site preparation, disturbance, grading, and construction, the RCTC Project Engineer will require the Construction Contractor to request the RCFD to identify areas adjacent to the project construction limits which are subject to wildfires and to define when the high fire season occurs. The RCTC Project Engineer will note all areas subject to wildfires on the project plans and specifications.

During site preparation, disturbance, grading, and construction in areas subject to wildfires as determined by the RCFD, the RCTC Project Engineer will require the Construction Contractor to install signs around those construction sites warning of high fire risk. In addition, during the high fire season as declared by the RCFD, the RCTC Project Engineer will require the Construction Contractor to post information on area closings and other relevant information provided by the RCFD around the construction sites adjacent to areas subject to wildfires. The phone numbers for the RCFD and other emergency services providers (law enforcement, emergency medical, etc.) will be provided on these signs.

U&ES-2 Fire Protection Access During Construction. Prior to site preparation, disturbance, grading, and construction, the RCTC Project Engineer will request the RCFD to identify fire and emergency access roads crossing or immediately adjacent to the construction areas. The RCTC Project Engineer will show the identified fire and emergency access roads on the project plans and specifications.

During site preparation, disturbance, grading, and construction, the RCTC Project Engineer will require the Construction Contractor to maintain access for emergency

personnel and vehicles to existing fire roads crossing and immediately adjacent to the construction areas as identified by the RCFD. The RCTC Project Engineer will require the Construction Contractor to clearly mark those access locations with warnings for construction personnel to avoid blocking those locations, even temporarily for short periods of time, with construction equipment, personal vehicles, waste/trash, or materials storage.

U&ES-3 **Fire Protection Access During Operations.** During final design, the RCTC Project Manager and RCTC Project Engineer will coordinate with the RCFD to incorporate long-term provision of access to the existing fire road grid in the project final design and specifications. The long-term access locations must be approved by Caltrans along Interstate 215 (I-215) and State Route 79 (SR-79), the local jurisdictions with land use authority, and the RCFD.

U&ES-4 **Fire Protection During Construction.** Prior to site preparation, disturbance, grading and construction, the RCTC Project Engineer will request the RCFD to identify areas of fire hazard adjacent to construction areas and to request recommendations for appropriate fuel modification techniques for those areas. The RCTC Project Engineer will note the identified fire hazard areas on the project plans and specifications and indicate the need for fuel modification techniques in those areas.

During site preparation, disturbance, grading, and construction, the RCTC Project Engineer will require the Construction Contractor to install signs around construction sites in identified fire hazard areas and to implement fuel modification techniques as soon as possible in those areas to ensure that those techniques are in place prior to the operation of substantial amounts of construction equipment in the area. The phone numbers for the RCFD and other emergency services providers (law enforcement, emergency medical, etc.) will be provided on these signs.

U&ES-5 **Fire Protection During Construction.** To minimize the risk of wildfire during site preparation, disturbance, grading, and construction, the RCTC Project Engineer will require the Construction Contractor to:

- Ensure that all construction equipment and vehicles are equipped with readily accessible fire extinguishers and shovels
- Inspect all construction equipment and vehicles weekly to verify they are in compliance with minimum fire safety standards
- Document the inspections and compliance with these requirements in weekly reports to the RCTC Project Engineer

U&ES-6 **Fire Protection.** During final design, the RCTC Project Engineer, in consultation with a qualified biologist (Contract Qualified Biologist) under contract to RCTC, will incorporate brush management zones in areas adjacent to existing reserves, the MSHCP Conservation Area, and other undeveloped lands in accordance with Section 6.4 of the MSHCP in the final project plans and specifications. During site preparation, disturbance, grading, and construction, the RCTC Project Engineer will require the Construction Contractor to implement the provision of

brush management zones shown in the project plans and specifications in areas adjacent to existing reserves, the MSHCP Conservation Area, and other undeveloped lands in accordance with Section 6.4 of the MSHCP.

U&ES-7 **Fire, Emergency Medical, and Law Enforcement Call Boxes.** During final design, the RCTC Project Engineer will incorporate emergency call boxes in the final plans and specifications, consistent with RCFD, Caltrans, and/or local jurisdictions' policies on emergency call boxes.

C.3.2 Visual/Aesthetics

VIS-1 **Construction Plan.** To keep construction and staging activities within the project right of way and to minimize views of construction access and staging areas, prior to the initiation of construction, the RCTC Project Engineer will require the Construction Contractor to document the locations of construction and staging areas within the disturbance footprint for the selected MCP Build Alternatives or within other public rights of way as approved by the local jurisdictions where those rights of way are located.

During construction, the RCTC Project Engineer will require the Construction Contractor to construct the project in accordance with Caltrans Standard Construction Specifications, including measures included in those Specifications to address visual impacts during construction.

VIS-2 **Construction Lighting.** If construction work must be done at night, early evening, and/or early morning and lighting is required, RCTC's Project Engineer will require the Construction Contractor to properly locate and direct lighting within the construction area to minimize light shining off site during those nighttime construction activities.

VIS-3 **MCP Corridor Master Plan.** During final design, the RCTC Project Manager will have the *MCP Corridor Master Plan* (Master Plan) prepared. The Master Plan will include a design template for aesthetic features for structures throughout the MCP corridor. The purpose of the Master Plan is to create consistency in aesthetic design throughout the length of the MCP corridor. The aesthetic and design features described in Measure VIS-4 will be incorporated in the Master Plan. In addition, the Master Plan will be developed in conjunction with the *MCP Landscape Plan* described in Measure VIS-5.

The RCTC Project Manager will coordinate the preparation of the Master Plan with the County of Riverside (County) and the cities in which the project is located, and with Caltrans in the context-sensitive design process for the Master Plan.

During final design, the RCTC Project Manager will incorporate the Master Plan in the project specifications.

During construction, the RCTC Project Engineer will require the Construction Contractor to implement the Master Plan in the construction of the project hardscape and landscape features.

VIS-4 Structural and Hardscape Elements. To address the adverse visual impacts of project structures, the RCTC Project Engineer will ensure that the final project design incorporates the mitigation and minimization elements A–D, below, and that these enhancements to structures are incorporated in the design and construction of sound walls, retaining walls, and bridge elements. The design of these aesthetic features will be based on the Master Plan described in Measure VIS-3.

During construction, RCTC’s Project Engineer will ensure that the Construction Contractor constructs the retaining and sound walls, medians, bridges, and other structures and hardscape consistent with aesthetic and design features in the project specifications including the Master Plan.

- A. Sound walls will include attractive, decorative elements such as local art or local or historical references incorporated into the wall design to reduce visual impacts to community character, increase the visual quality of the area, and provide an expression of the local and/or regional “sense of place.” Areas in front of sound walls (the side facing away from the freeway) will be landscaped, where landscaping can be accommodated within the public right of way, including trees, shrubs, and vines (depending on the available space), to break the visual monotony, soften the appearance of soundwalls, and deter graffiti.
- B. Retaining walls (including walls associated with bridge structures) will be heavily textured (i.e., split-face or fractured rib) to minimize glare and visual mass. Retaining walls facing public use areas (parks, streets, etc.) over 9 feet (ft) high will be heavily textured (i.e., split-face or fractured rib) and include site-specific aesthetic features (local or historical references). Color (integral or applied) is not required for retaining walls.
- C. In addition to texture and color as described in A and B, above, sound walls and retaining walls with low-density development or recreational viewer groups will include planting of trees or trees and shrubs at the base of the walls (non-motorist side) to minimize loss of visual unity. Plantings will be local native species or ornamental species that require no irrigation after establishment consistent with the *MCP Landscape Plan*. These plantings will not require permanent irrigation.
- D. Slope paving in all areas with bicyclist and pedestrian viewers will include texture (i.e., stamped slate). In urban areas, slope paving will incorporate site-specific aesthetic features in addition to texture. Texture and pattern will be used to minimize the visual impacts of increased hard surface, and reinforce community identity, offsetting reduced community connectivity associated with increased bridge widths.

In addition to the design elements noted above, the RCTC Project Engineer will ensure that the designs of sound walls comply with the Caltrans standards for sound attenuation (where walls provide that function), safety requirements, and with the Caltrans *Highway Design Manual* standards.

The RCTC Project Engineer will request the Caltrans District 8 Landscape Architect to review and approve the final design of any sound walls within state highway right of way.

VIS-5 **MCP Landscape Plan.** During final design, the RCTC Project Manager will contract with a licensed landscape architect to prepare the *MCP Landscape Plan*. The purpose of the *MCP Landscape Plan* is to create consistency in the landscaping and softscape project features throughout the length of the MCP corridor. The *MCP Landscape Plan* will be developed in conjunction with the Master Plan described in Measure VIS-3, and landscaping will be in compliance with the MSHCP Urban/Wildlands Interface Guidelines.

The RCTC Project Manager will coordinate the preparation of the plan with the County and the cities in which the project is located, and with Caltrans.

The RCTC Project Manager will submit the *MCP Landscape Plan* for review and approval by the Caltrans District 8 Landscape Architect for the parts of the *MCP Landscape Plan* applicable to state highway right of way.

The RCTC Project Manager will incorporate the *MCP Landscape Plan* in the project specifications.

The *MCP Landscape Plan* will include the following components:

- Applicable procedures and requirements detailed in the Caltrans *Highway Design Manual*, Section 902.1, Planting Guidelines (September 2006), and any applicable local agency General Plan.
- Identification of areas within the project limits for revegetation, including landscaping for graded areas with plant species consistent with adjacent vegetation and enhancement of new project structures (ramps, sound walls, and retaining walls).
- Identification of trees and shrubs and their locations for planting along the MCP corridor and at interchanges to enhance the existing visual planting character of the area.
- Identification of drought-resistant plants and their locations for planting along the MCP corridor; the plant materials will be consistent with Metropolitan Water District of Southern California (Metropolitan) guidelines, which promote the use of xeric (adapted to arid conditions) landscaping techniques. The irrigation design and implementation practices will conform to the water conservation measures established in Assembly Bill 325, the Water Conservation in Landscaping Act of 1990 (in effect January 1, 1993). The identified plant materials will also be durable in relation to urban pollutants, such as smog.
- Identification of soil erosion control plant materials (groundcover, native grasses, and wildflowers) and the embankments and steeper slopes where those plant materials would be planted.

- Identification of plant materials, which are not highly sensitive to shadow and shade, and their locations for planting along the walls of the MCP corridor.
- Confirmation that all plantings will be drought-resistant and, where applicable, shadow-resistant to ensure plant longevity and the sustainable use of water resources.
- Identification of locations along the MCP corridor where slope rounding and contour grading would be incorporated to minimize the appearance of slopes and visually soften grade changes in those areas.

During final design, the RCTC Project Manager will incorporate the *MCP Landscape Plan* in the project specifications.

During construction, the RCTC Project Engineer will require the construction contractor to implement the *MCP Landscape Plan* in the construction of the project landscape features.

Replacement planning will include no less than 3 years of plant establishment.

VIS-6 **Trees.** During final design, the RCTC Project Engineer will minimize the removal of existing mature trees when it can be accommodated without compromising the design of the project facilities, or the safety of construction workers or future travelers on the project facilities.

The RCTC Project Engineer will ensure that the project plans identify mature trees that will not be removed during construction.

During construction, the RCTC Project Engineer will require the Construction Contractor to avoid removal of mature trees as noted on the project plans. Any requests from the construction contractor to remove trees shown on the project plans as not to be removed must be approved in writing by the RCTC Project Engineer.

If removal of mature trees within the limits of improvements cannot be avoided, the RCTC Project Engineer will incorporate additional landscape improvements during final design at a 1:1 replacement ratio.

VIS-7 **Lighting.** During final design, the RCTC Project Engineer will prepare a facility lighting plan. The lighting plan will include the following:

Specifications for lighting fixtures designed to minimize glare and light on adjacent properties and into the night sky.

Specifications for nonglare hoods to focus light within the MCP project or local jurisdictions' road rights of way.

Compliance with the County of Riverside Ordinance No. 655, Regulating Light Pollution for Zone B, including installation of low pressure sodium street lights on private roadways and streets.

The RCTC Project Engineer will submit the lighting plan to the Caltrans District 8 for areas under State jurisdiction and for approval by the County or the affected cities for areas within their jurisdictions.

The RCTC Project Engineer will incorporate the lighting plan in the final design and project specifications.

The RCTC Project Engineer will require the Construction Contractor to install light fixtures consistent with the lighting plan.

C.3.3 Water Quality

WQ-1 **National Pollutant Discharge Elimination System Permits (NPDES).** During +construction, the Riverside County Transportation Commission (RCTC) Project Engineer will require the Construction Contractor to comply with the provisions of the following NPDES Permits:

NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) (Order No. 2009-0009-DWQ, NPDES No. CAS000002) (the project construction would be required to comply with the conditions of this NPDES permit or any subsequent permit as it relates to construction of the MCP project, regardless of whether the MCP facility is a state or local highway)

NPDES Permit for Storm Water Discharges from the State of California, Department of Transportation (Caltrans) Properties, Facilities, and Activities (Order No. 2010-001-DWQ) (the project construction would be required to comply with the conditions of the Caltrans MS4 NPDES permit or any subsequent permit as it relates to construction of the MCP project, if the MCP facility is adopted as a state highway)

NPDES Permit for Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region (Order No. R8-2010-003, NPDES No. CAS618033) (the project construction would be required to comply with the conditions of this NPDES permit [the Riverside County MS4 permit] or any subsequent permit as it relates to construction of the MCP project, if the MCP facility is a local highway not adopted as a state highway)

This will include submission of the Permit Registration Documents, including a Notice of Intent, risk assessment, site map, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and signed certification statement to the State Water Resources Control Board via the Storm Water Multi-Application and Report Tracking System at least 7 days prior to the start of construction.

The RCTC Resident Engineer will not authorize the Construction Contractor to begin construction activities until a Waste Discharger Identification number is received from the Storm Water Multi-Application and Report Tracking System.

The RCTC Resident Engineer will require the Construction Contractor to prepare the SWPPP and will require the SWPPP to be prepared by a Qualified SWPPP Developer. The RCTC Resident Engineer will require the SWPPP to meet the requirements of the Construction General Permit; to identify potential pollutant sources associated with construction activities; identify non-storm water discharges; develop a water quality monitoring and sampling plan; and identify, implement, and maintain BMPs to reduce or eliminate pollutants associated with the construction site. Those BMPs will include, but not be limited to, Good Housekeeping, Erosion Control, and Sediment Control BMPs.

The RCTC Resident Engineer will require the Construction Contractor to implement the BMPs identified in the SWPPP during site preparation, grading excavation, construction, and site restoration activities, consistent with how, when, and where the SWPPP indicates those BMPs should be implemented.

The RCTC Resident Engineer will require the Construction Contractor to comply with the sampling and reporting requirements of the Construction General Permit.

The RCTC Resident Engineer will require the Construction Contractor to have a Rain Event Action Plan prepared by a Qualified SWPPP Developer prior to the initiation of site preparation, grading, excavation, or construction activities.

The RCTC Resident Engineer will require the Construction Contractor to have the Rain Event Action Plan implemented by a Qualified SWPPP Developer within 48 hours prior to a rain event of 50 percent or greater probability of precipitation according to the National Oceanic and Atmospheric Administration.

The RCTC Resident Engineer will require the Construction Contractor to prepare and submit an Annual Report to the State Water Resources Control Board (SWRCB) no later than September 1 of each year using the Storm Water Multi-Application and Report Tracking System.

The RCTC Resident Engineer will submit a Notice of Termination to the SWRCB within 90 days of completion of construction and stabilization of the site.

WQ-2 **National Pollutant Discharge Elimination System CAG998001.** The RCTC Resident Engineer will require the Construction Contractor to comply with the provisions of the *General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality*, Order No. R8-2009-0003 NPDES No. CAG998001 (the project construction would be required to comply with the conditions of this NPDES permit or any subsequent permit as it relates to construction of the MCP project, regardless of whether the MCP facility is a state or local highway), as they relate to discharge of non-storm water dewatering wastes for the project.

The RCTC Resident Engineer will require the Construction Contractor to submit to the Santa Ana Regional Water Quality Control Board (RWQCB) a Notice of Intent at least 60 days prior to the start of construction.

The RCTC Resident Engineer will require the Construction Contractor to submit to the Santa Ana RWQCB notification of discharge at least 5 days prior to any planned discharges.

The RCTC Resident Engineer will require the Construction Contractor to submit to the Santa Ana RWQCB monitoring reports by the 30th day of each month following the monitoring period.

WQ-3 **Design Pollution Prevention and Treatment Best Management Practices.** RCTC will comply with the *Storm Water Management Plan* (SWMP) and follow the procedures outlined in the *Storm Water Quality Handbooks, Project Planning and Design Guide* for implementing Design Pollution Prevention and Treatment BMPs for the project that address pollutants of concern. This will include coordination with the Santa Ana RWQCB with respect to feasibility, maintenance, and monitoring of Treatment BMPs as set forth in the Caltrans Statewide SWMP.

C.3.4 Air Quality

AQ-1 **Fugitive Dust Source Controls.** During all site preparation, grading, excavation, and construction, RCTC will require the Construction Contractor to:

- Stabilize open storage piles and disturbed areas by covering them and/or applying water or chemical/organic dust palliative to the disturbed surfaces. This applies to inactive and active sites during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, phase grading operations, and operate water trucks for stabilization of surfaces under windy conditions.
- Limit vehicle speeds to 15 miles per hour (mph) within the project limits.
- Cover loads when hauling material to prevent spillage.
- Limit speed of earthmoving equipment to 10 mph.

AQ-2 **Mobile and Stationary Source Controls.** During all site preparation, grading, excavation, and construction, the RCTC Resident Engineer will require the Construction Contractor to:

- Reduce the use of trips by and unnecessary idling from heavy equipment.
- Use solar-powered, instead of diesel-powered, changeable message signs.
- Use electricity from power poles, rather than from generators, when electricity can be acquired from existing power poles in proximity to the construction areas.
- Maintain and tune engines per manufacturers' specifications to perform at United States Environmental Protection Agency (EPA) certification levels and verified standards applicable to retrofit technologies. The RCTC Resident Engineer will conduct periodic, unscheduled inspections to ensure that there is no unnecessary idling and that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

- Prohibit any tampering with engines and require continuing adherence to manufacturers' recommendations.
- Use new, clean (diesel or retrofitted diesel) equipment meeting the most stringent applicable federal or state standards and commit to the best available emissions control technology. Use Tier 3, or higher, engines for construction equipment with a rated horsepower exceeding 75. Use Tier 2, or higher, engines for construction equipment with a rated horsepower of less than 75. If nonroad construction equipment that meets or exceeds Tier 2 or Tier 3 engine standards is not available, the Construction Contractor will be required to use the best available emissions control technologies on all equipment.
- Use EPA-registered particulate traps and other controls to reduce emissions of diesel particulate matter (PM) and other pollutants at the construction site

AQ-3

Administrative Controls. During final design, the RCTC Project Engineer will update the information on sensitive receptors adjacent to the project disturbance limits and along the primary access routes to/from the construction areas. These will include residential uses, schools, and individuals, such as children, the elderly, and the infirm. The locations of the updated sensitive receptors will be based on information in the Final EIR/EIS (including land use information provided and discussed in Sections 3.1, 3.4, and 3.14) and updated information on existing land uses along the alignment of MCP and the primary access routes to/from the construction areas. The Project Engineer will provide figures showing the locations of these sensitive receptors to the Construction Contractor.

Prior to any site disturbance, the RCTC Resident Engineer will require the Construction Contractor to:

- Provide documentation indicating all areas of sensitive receptors and how construction equipment, travel routes, and other activities that could emit air pollutants are located away from those sensitive populations; for example, locating construction equipment and staging zones away from sensitive receptors and away from fresh air intakes to buildings and air conditioners.
- Prepare an inventory of all equipment and identify the compliance of each piece of mobile and stationary equipment with the mobile and stationary source control requirements listed in Measure AQ-2.

AQ-4

Caltrans Standard Specifications for Construction. During all site preparation, grading, excavation, and construction, the RCTC Resident Engineer will require the Construction Contractor to adhere to Caltrans Standard Specifications for Construction (Sections 14.9.03 and 18 [Dust Control] and Section 39-3.06 [Asphalt Concrete Plant Emissions]).

AQ-5 **Asbestos-Containing Materials.** Should the project geologist determine that asbestos-containing materials are present at the project study area during final inspection prior to construction, the RCTC shall implement the appropriate methods to remove asbestos-containing materials.

AQ-6 **Construction Emissions:** The RCTC Resident Engineer will require the Construction Contractor to incorporate the following in use of materials to construct the MCP project:

- If available for purchase within Riverside County, locally made building materials will be used for construction of the project and associated infrastructure.
- Demolished and waste construction materials will be reused/recycled to the extent possible and financially responsible prior to consideration of disposal of those materials in approved landfills.

C.3.5 Noise

N-2 **Construction Noise.** During all site preparation, disturbance, grading, and construction, the RCTC Resident Engineer will require the Construction Contractor to control noise from construction activity consistent with the Caltrans Standard Specifications, Section 14-8.02, "Noise Control," and Standard Special Provisions S5-310. RCTC's Resident Engineer will require the Construction Contractor to ensure that noise levels from construction operations within the state right of way between the hours of 9:00 p.m. and 6:00 a.m. do not exceed 86 dBA at a distance of 50 ft from the noise source. The noise level requirement will apply to the equipment and activities on the job site or related to the job, including, but not limited to trucks, transit mixers, or transient equipment that may or may not be owned by the Construction Contractor.

During all site preparation, disturbance, grading, and construction, RCTC's Resident Engineer will require the Construction Contractor to equip all internal combustion engines with the manufacturer-recommended mufflers and to not operate any internal combustion engine on the job site without the appropriate mufflers. As directed by RCTC's Resident Engineer, the Construction Contractor will implement additional minimization measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.

N-3 **Noise Ordinances.** During all site preparation, disturbance, grading, and construction, in accordance with the Municipal Codes of the City of Perris and the City of San Jacinto, and the Riverside County Noise Ordinance, the RCTC Resident Engineer will require the Construction Contractor to limit construction activities to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, excluding weekends and holidays. If construction is needed outside those hours or days, the

RCTC Resident Engineer will require the Construction Contractor to coordinate with the affected local jurisdiction.

C.3.6 Natural Communities

NC-1 Project Biologist (Design). Prior to the initiation of final design, the RCTC Project Manager will require the design contractor to have a Project Biologist under contract. The Project Biologist will ensure that all vegetation removal, seasonal restrictions, BMPs, environmentally sensitive areas, and all biological resources avoidance, minimization, and mitigation measures are properly included in the project design and specifications. Additional levels of biological monitors, such as qualified/authorized biologists for monitoring listed species, and general biological monitors, will also be used as needed to ensure that mitigation measures are properly implemented during the project design.

Project Biologist (Construction). Prior to the initiation of any site preparation or disturbance activities, the RCTC Project Manager will require the Construction Contractor to have a Project Biologist under contract. The Project Biologist will ensure that all vegetation removal, seasonal restrictions, BMPs, environmentally sensitive areas, and all biological resources avoidance and minimization measures are properly implemented by the Construction Contractor as required in the project design and specifications. Additional levels of biological monitors, such as qualified/authorized biologists for monitoring listed species, and general biological monitors, will also be used as needed to ensure that mitigation measures are properly implemented during construction.

NC-2 Environmentally Sensitive Areas. During final design, the RCTC Project Engineer and RCTC Project Biologist will coordinate to identify areas within the project right of way footprint but outside the project disturbance and grading limits which include, but are not limited to, riparian/riverine vegetation, San Jacinto River alkali communities, and areas with long-term conservation values for the San Jacinto Valley crownscale, spreading navarretia, Coulter's goldfields, smooth tarplant, least Bell's vireo, burrowing owl, Los Angeles pocket mouse, San Bernardino kangaroo rat, and protected waters. Those areas will be designated by the RCTC Project Engineer on the project plans and specifications as environmentally sensitive areas (ESAs).

- The RCTC Project Engineer will label each ESA on the project plans and specifications as an ESA but will not identify the specific biological resources within each ESA.
- The RCTC Project Engineer will ensure that the project plans and specifications include the following specific requirements of and directions for the Construction Contractor and the RCTC Project Biologist regarding the ESAs:
- Prior to any site preparation, grading, clearing, or construction, the Construction Contractor will be required to hold training sessions conducted by the RCTC Project Biologist to ensure that all construction workers understand the purpose of, and requirements and restrictions related to, the ESAs.

- Prior to any site preparation, grading, clearing, or construction, the RCTC Resident Engineer will require the Construction Contractor, assisted by the RCTC Project Biologist, to install highly visible barriers (such as orange construction fencing) around all designated ESAs.
- No disturbance, grading, staging, parking, materials or equipment storage, fill structures, dumping, or other construction-related activities will be permitted within or immediately adjacent to the ESAs at any time.
- All construction equipment will be operated and all construction activities will be conducted at all times in a manner so as to prevent accidental damage to or intrusion into ESAs.
- No construction equipment or worker vehicles are to enter any ESA at any time.
- The Construction Contractor must maintain all ESA barriers throughout all the site preparation, disturbance, grading, and construction activities in the vicinity of the ESAs.
- The RCTC Project Biologist will verify the integrity of the ESA barriers on a regular basis (no less than once every 2 weeks and more often if needed) and will report the need for any repair or replacement of barriers to the RCTC Resident Engineer that day.
- The RCTC Resident Engineer and RCTC Project Biologist will require the Construction Contractor to repair damaged or replace missing ESA barriers within 24 hours of being notified of the status of the ESA barriers needing repair or replacement.
- During all site preparation, clearing, disturbance, and construction activities, the RCTC Project Engineer will require the Construction Contractor to ensure that equipment maintenance, site lighting, equipment and materials staging, and equipment and worker vehicles are limited to designated areas away from ESAs.
- In the event that an ESA barrier is breached by any construction worker, equipment, or activity, the Construction Contractor is to cease work in that area immediately and report the breach to the RCTC Resident Engineer immediately.
- The RCTC Resident Engineer and RCTC Project Biologist will review the breach and will assess the effects of the breach on the resource protected by that ESA. Any breached areas will be restored to the original condition. If the breach affects resources protected by the ESA, the RCTC Resident Engineer and RCTC Project Biologist will coordinate with the applicable resource agencies (USACE, CDFW, or Regional Conservation Agency [RCA]) to determine if additional mitigation would be required.
- When all construction activities in the vicinity of an ESA are complete and there will be no more construction activity in that area, the RCTC Resident Engineer and the RCTC Project Biologist will direct the Construction Contractor to remove the ESA barrier at that location.

NC-3 **Nesting Birds.** To avoid effects to raptors and nesting birds, the RCTC Project Engineer will require the Construction Contractor to conduct any native or exotic

vegetation removal or tree trimming activities outside of the nesting bird season (i.e., February 15 to September 15).

- In the event that vegetation clearing is necessary during the nesting season (i.e., February 15 to September 15), the RCTC Resident Engineer will require the Construction Contractor to have the Project Biologist conduct a preconstruction survey within a 300-foot (ft) buffer of project activities to identify the locations of listed and nonlisted bird and raptor nests within 3 days of the commencement of construction activities. In addition, if any trees are scheduled to be removed between January 15 and February 15, a preconstruction raptor specific survey would be required prior to removal of any trees. Should nesting birds be found, the RCTC Resident Engineer will require the Construction Contractor to establish a 300 ft exclusionary buffer around the nest developed in consultation among the RCTC Resident Engineer, the RCTC Contract Biologist, the Construction Contractor, and the Project Biologist. This 300 ft exclusionary buffer will be clearly marked in the field by construction personnel under guidance of the Project Biologist, and construction or clearing will not be conducted within this buffer zone until the Project Biologist determines that the young have fledged or the nest is no longer active.

NC-4 **Design and Construction Management Measures.** During final design, the RCTC Project Engineer and the Contract Biologist will coordinate with the Design Contractor and the Project Biologist to develop design and construction management specifications to direct temporary construction noise, nighttime construction lighting, and permanent facility lighting away from the wildlife corridors, biologically sensitive areas, the Western Riverside County MSHCP Conservation Areas, and vegetated drainages. Those specifications will be included in the final design.

- If construction work must be done at night, the RCTC Resident Engineer will require the Construction Contractor to properly implement the specifications included in the final design to direct temporary construction noise and lighting away from the wildlife movement corridors, and biologically sensitive areas during those nighttime construction activities.
- During construction, the RCTC Resident Engineer will ensure that the Construction Contractor properly implements the permanent facility lighting, directing the light from wildlife movement corridors, biologically sensitive areas, the Western Riverside County MSHCP Conservation Areas, and vegetated drainages.

NC-5 **Conservation Areas.** During final design, the RCTC Project Engineer and the Contract Biologist will coordinate to identify existing and proposed conservation areas within the project footprint and in the immediately surrounding areas and will designate those areas on the project specifications. The Contract Biologist will provide the RCTC Resident Engineer with the applicable guidelines from the Western Riverside County MSHCP, including the Urban/Wildlands Interface Guidelines from Section 6.1.4 of the Western Riverside County MSHCP and compliance with these guidelines as identified in Section 3.17.3 of the Final EIR/EIS, for incorporation in the project specifications.

To reduce impacts where the project interfaces with existing or proposed conservation areas as shown on the project specifications, the RCTC Resident Engineer will require the construction contractor to comply with the applicable guidelines from the Western Riverside County MSHCP, including the Urban/Wildlands Interface Guidelines from Section 6.1.4 of the Western Riverside County MSHCP, as included in the project specifications.

- During final design, the RCTC Project Engineer and Project Biologist will ensure the design for the wildlife crossing entrance at Wildlife Crossing No. 10 will minimize noise effects to the adjacent MSHCP Conservation Area and ensure that noise effects do not exceed residential noise standards.

NC-7 **Commitments under the Western Riverside County Multiple Species Habitat Conservation Plan.** As a permittee under the Western Riverside County MSHCP, RCTC has committed to a number of measures addressing impacts of the MCP project on biological resources. Those measures are documented in the *Mid County Parkway MSHCP Consistency Determination Including Determination of Biologically Equivalent or Superior Preservation Analysis* (September 2014) and the *Determination of Biologically Equivalent or Superior Preservation Analysis Addendum* (October 2014) provided in Appendix T in the Final EIR/EIS. RCTC will comply with the commitments in those measures throughout the design, construction, and operation of the MCP project.

C.3.7 Invasive Species

IS-1 **Revegetation of Disturbed Areas.** During construction, the RCTC Resident Engineer will require the Construction Contractor to revegetate disturbed areas and bare soil within the project disturbance limits with Caltrans recommended seed mixtures from locally adapted species to preclude the invasion of noxious weeds. The use of site-specific materials adapted to local conditions increases the likelihood that the revegetation will be successful and maintain the genetic integrity of the local ecosystem.

The RCTC Resident Engineer and the Construction Contractor will ensure that the invasive plant species listed in the Western Riverside County MSHCP, Table 6-2 and in the most up-to-date California Invasive Plant Council (Cal-IPC) Invasive Plant Inventory are not planted within the project disturbance limits.

During construction, the RCTC Resident Engineer will require the Construction Contractor to submit the proposed seed mixtures for the parts of the project under Caltrans jurisdiction for approval by the Caltrans District 8 Landscape Architect. No revegetation in state right of way will be installed prior to Caltrans' approval of the seed mixtures.

Prior to and during construction, RCTC will require the Construction Contractor to require the Project Biologist to make arrangements well in advance of planting (at least 9 months prior to the scheduled planting) to ensure that the needed seed and plant materials are collected and/or located and available for the scheduled planting

time. Sufficient time must be allocated for a professional seed company to visit the project site during the appropriate season to collect native plant seed.

If local propagates are not available or cannot be collected in sufficient quantities to meet the scheduled planting time, seed and/or plant materials collected or grown from other sources within southern California can be substituted, based on approval of use of those alternative materials by the RCTC Resident Engineer and the RCTC Contract Biologist, and for areas in the State right of way, by the Caltrans District 8 Landscape Architect.

For widespread native herbaceous species that are more likely to be genetically homogeneous, site specificity is a less important consideration, and seed from commercial sources may be used based on approval of use of those alternate seed and plant materials by the RCTC Resident Engineer and the RCTC Contract Biologist, and for areas in the state right of way, by the Caltrans District 8 Landscape Architect.

IS-2 **Seed Purity.** During construction, as seed mixtures are collected, the RCTC Resident Engineer will require the Construction Contractor to require the Project Biologist to certify the seed purity by planting seed labeled under the California Food and Agricultural Code or that has been tested within the year by a seed laboratory certified by the Association of Official Seed Analysts or by a seed technologist certified by the Society of Commercial Seed Technologists. The Project Biologist will provide the documentation of compliance with this requirement to the RCTC Project Engineer and the RCTC Contract Biologist, and for seed mixtures that will be used in the state right of way, to the Caltrans District 8 Landscape Architect.

IS-3 **Construction Equipment.** During all site preparation, disturbance, grading and construction activities, the RCTC Resident Engineer will require that the Construction Contractor implement procedures to ensure that construction equipment is cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds both before mobilizing to arrive at the site and before leaving the project limits. The Construction Contractor will document that equipment coming to the site will be cleaned at established truck wash facilities within the project vicinity and will provide facilities within the project limits to clean equipment leaving the site.

IS-4 **Trucks.** During all site preparation, disturbance, grading and construction activities, the RCTC Resident Engineer will require the Construction Contractor to implement procedures to ensure that all trucks carrying vegetation from within the project limits are covered and that all vegetative materials removed from within the project limits are properly disposed of in accordance with all applicable laws and regulations.

IS-5 **Inspected Material.** During all site preparation, disturbance, grading, and construction activities, the RCTC Resident Engineer will require the Construction Contractor implement procedures to ensure that if material is obtained from a borrow site, that the material is inspected for the presence of noxious weeds and invasive plants to ensure that the material imported to the project site does not contain noxious weeds or invasive plants. The Project Biologist will conduct a site visit to proposed

borrow sites to document whether any species identified on the Cal-IPC list (current at the time borrow sites are proposed) are present at the borrow site. If Cal-IPC species are found within the borrow site, the top 6 inches of topsoil from the borrow site must be set aside and not used as borrow/fill material for the project. The RCTC Resident Engineer will require the Construction Contractor to provide written documentation of the procedures for conducting the site visits, documenting/verifying the presence/absence of Cal-IPC species, and documenting/verifying that the top 6 inches of topsoil are moved and not included in borrow material when Cal-IPC species are documented on the borrow site, and the implementation of those procedures whenever borrow material is proposed to be brought to the project site.

IS-6 **Weeds and Invasive Plants.** During all site preparation, disturbance, grading, and construction activities, the RCTC Resident Engineer will require the Construction Contractor to control, kill, and remove noxious weeds and invasive plants from within the project limits, under the direction of the Project Biologist.